



MAYOR AND COUNCIL AGENDA

NO. 8A

DEPT.: / City Clerk's Office

DATE: July 7, 2004

ACTION: Adoption of Minutes:

Meeting 26-04 (Public Hearing, May 3, 2004)

Meeting No. 27-04 (General Session, May 10, 2004)

Meeting No. 28-04 (Worksession, May 11, 2004)

Meeting No. 29-04 (Public Hearing/General Session, May 17, 2004)

Meeting No. 30-04 (General Session/Worksession, May 24, 2004)

Meeting No. 32-04 (General Session, June 14, 2004)

Meeting No. 34-04 (Public Hearing/Worksession, June 21, 2004)

ACTION STATUS:

FOR THE MEETING OF: 7/12/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION: Adoption

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

PREPARED BY:

Cynthia J. Lankowski

7/8/04
Date

LIST OF ATTACHMENTS: Blue draft copies of minutes reflecting changes made by the Mayor and Council and the City Attorney



MAYOR AND COUNCIL AGENDA

NO. 8 B

DEPT.: Recreation and Parks

DATE: July 6, 2004

ACTION: Award of Bid #66-04
TO: Eyre Bus Service
OF: Glenelg, MD
AMOUNT: \$41,583 (Not to Exceed)

TO: New World Tours
OF: Lorton, VA
AMOUNT: \$9,150 (Not to Exceed)
FOR: Bus Service for Trips and Tours for
Seniors, Adults and Teens

ACTION STATUS:
FOR THE MEETING OF: 7/12/04
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SECTION
☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends approval of award of RPF# 66-04 to Eyre Bus Service of Glenelg, MD in the amount not to exceed \$41,583 annually and New World Tours of Lorton, VA in the amount not to exceed \$9,150 annually with the option to extend the contract for two additional 1-year periods contingent on availability of funds. Having the services of two bus companies will help ensure bus services are available for all dates and times.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Fiscal: Sufficient funds are budgeted in accounts 110-900-4045-0238, 110-900-4047-0238, 110-900-2008-0238 and 110-900-2017-0238.

BACKGROUND: Requests for proposals for bus transportation services were sent to 30 firms, none of which were located in Rockville. Three proposals were received.

Evaluation Criteria: 40% - Price

40% - Experience, references and equipment of the contractor and drivers

20% - Ability to schedule reservations for shows, meals tours and any additional amenities

Selection Committee: Proposals were reviewed and rated by Karen Lumpkin, Senior Recreation Coordinator, Joyce Staub, Senior Sports and Exercise Coordinator, and Chris Veirs, Program Assistant/Trip Leader.

RANKING OF FIRMS	ADDRESS	TOTAL POINTS	RANK	Total
Eyre Bus Service	Glenelg, MD	27	1	\$72,653
New World Tours	Lorton, VA	26	2	\$72,450
Capital Executive Limousines	Manassas,VA	18.9	3	\$67,450

Project Description: To establish prices for Rockville trips, bus companies were asked to bid on approximately fifty-four day trips and six overnight trips for senior citizens, teens and outdoor recreation trips in and around the Washington Metropolitan area, Virginia and Pennsylvania, as well as overnight trips to destinations in Delaware, West Virginia, Pennsylvania and Vermont. Each company was given a list of destinations, requirements for equipment, passenger size, services, safety and tour department. Capital Executive Limousines was the low bidder. However the firm did not meet the bid requirements for coaches equipped with wheelchair lifts or provide a tour department in their organization. A comprehensive tour department is an essential service in making contracts, obtaining competitive rates and special program offerings. Both Eyre's and New World are full service companies and provide wheelchair coaches and tour departments.

100% of the cost for bus services is passed on to the customers as part of program fees. Bus costs are incurred only for trips and tours that generate adequate registration to cover transportation and other related costs.

FY05 Budget: \$50,733 – Request will accommodate planned trips for seniors, teens, and outdoor recreation trips. Proposal prices were higher than expected due to increase in insurance and fuel costs.

References: A reference check indicates that both Eyre Bus Service and New World Tours performs reliable, safe and quality bus transportation services. Both companies have provided quality services to the City for a number of years.

PREPARED BY:

Karen Lumpkin
Karen Lumpkin, Senior Recreation Coordinator

7-6-04
Date

CONCUR:

Eileen Morris
Eileen Morris, Contract Officer

7/6/2004
Date

APPROVE:

Burt Hall
Burt Hall, Director of Recreation and Parks

7-6-04
Date

Catherine Tuck-Parrish
Catherine Tuck-Parrish, Acting City Manager

7-7-04
Date

LIST OF ATTACHMENTS:



MAYOR AND COUNCIL AGENDA

NO. 8C

DEPT.: Recreation and Parks

DATE: July 6, 2004

ACTION: Approval of Price Agreement With Two
Additional Bidders on Bid 03-03
TO: Excel Tree Expert Company, Inc.
OF: Jessup, Maryland
AMOUNT: Not to Exceed \$50,000.00
and
TO: Pogo Tree Experts, Olney Gardens, Inc.
OF: Olney, Maryland
AMOUNT: Not to Exceed \$50,000.00
FOR: Perform complete and satisfactory tree
and stump removal services on municipal
trees within the City of Rockville.

ACTION STATUS:

FOR THE MEETING OF: 7/12/05

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SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends approval of a Price Agreement with the next two low bidders on Bid 03-03, Excel Tree Expert Company, Inc. of Jessup, Maryland in the amount not to exceed \$50,000.00 and Pogo Tree Experts, Olney Gardens, Inc. of Olney, Maryland, in the amount not to exceed \$50,000.00 for the initial year to perform tree and stump removal services on municipal trees, plus approval of the option to extend the contract for two additional years subject to appropriation of funds.

IMPACT: ☐ Environmental ☒ Fiscal ☒ Neighborhood ☐ Other:

Fiscal: Funding is appropriated in the Parks and Facilities Operating Budget Account 110-900-7521-0231 and the Urban Forest Renewal Capital Improvements Project Account 420-900-8A61.

Neighborhood: This project will have positive and beneficial effects on aesthetics and the safety of Rockville neighborhoods.

BACKGROUND: Invitations to Bid were mailed to 44 firms, seven of which were Rockville firms. Sealed bids were received and opened on May 15, 2002 at 2:30 p.m. in the Mayor and Council Chamber. Six bids were received, as follows:

Order	Contractor	Location	Initial Year	Year II	Year III	Total
1.	Mead Tree and Turf Care, Inc.	Lisbon MD	\$ 96,715.00	\$ 96,715.00	\$ 96,715.00	\$290,145.00
2.	Excel Tree Expert Co., Inc.	Jessup MD	\$ 97,925.00	\$ 98,124.00	\$ 98,323.00	\$294,372.00
3.	Pogo Tree Experts, Olney Gardens, Inc.	Olney MD	\$119,715.00	\$119,715.00	\$119,715.00	\$359,145.00
4.	C&D Tree Service, Inc.	Vienna VA	\$185,700.00	\$185,700.00	\$185,700.00	\$557,100.00
5.	Tacoma Tree & Landscaping, Inc.	Adelphi MD	\$198,975.00	\$212,073.75	\$222,655.00	\$633,703.75
6.	Elswick & Elswick, Inc.	Norfolk VA	\$299,296.00	\$311,246.00	\$323,648.00	\$934,190.00

Project Description: This project provides for all necessary labor, supervision, materials, and equipment necessary to perform complete and satisfactory tree and stump removal services on municipal trees within the City of Rockville. The majority of work will be on street trees located between the sidewalk and the curb. Additional removals will occur on parkland, City facilities, and public grounds.

Fixed pricing was obtained for a three-year period. Pricing for the remaining two years shall not exceed the amount of the annual percentage change of the Consumer Price Index for the twelve-month period immediately prior to the date of a price adjustment request and subject to approval by the City Manager for satisfactory performance.

Bid 03-03 History: Bid 03-03 was awarded to Mead Tree and Turf Care, Inc. of Lisbon, Maryland in the amount of \$96,715.00 for the base period of July 1, 2002 through June 30, 2003 with options to extend for four additional one-year periods.

Justification: Mead Tree and Turf Care, Inc. is currently performing stump and tree removal services for the City; however, the droughts in 2001 and 2002, and the storms in 2003 have created a current backlog of 300-plus tree and stump removals. The services of additional contractors are needed to expedite removals.

References: Excel Tree Expert Company, Inc. is currently performing services for Montgomery County, Maryland and Pogo Tree Experts, Olney Gardens, Inc. has previously performed satisfactory services to the City.

PREPARED BY:

Steve Mader 7-6-04
Steve Mader, Superintendent of Parks and Facilities Date

APPROVE:

Burt Hall
Burt Hall, Director of Recreation and Parks

Eileen Morris
Eileen Morris, Contracts Officer

Catherine Tuck-Parrish
Catherine Tuck-Parrish, Acting City Manager

7-6-04

Date

7/6/2004

Date

7/7/04

Date



MAYOR AND COUNCIL AGENDA

NO. 80

DEPT.: Recreation and Parks

DATE: July 6, 2004

ACTION: Approval of Procurement Agreement
on Fairfax County Government
Contract #BL03-653125-12A-B

TO: Harvey W. Hottel, Inc.

OF: Gaithersburg MD

AMOUNT: Not to Exceed \$80,000

FOR: Plumbing Services

ACTION STATUS:

FOR THE MEETING OF: 7/12/04

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INSTRUCTIONS

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ROCKVILLE CITY CODE,

CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends approval to enter into a requirements contract with Harvey W. Hottel, Inc. of Gaithersburg, Maryland for fixed unit pricing for time and materials for plumbing repairs, replacements, and renovations. This is a procurement contract, as per Fairfax County Contract #BL03-653125-12A-B, in an amount not to exceed \$80,000 for the initial term with the option to extend the contract for four additional one-year periods not to exceed \$80,000 in each option year, subject to approval of funds.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Fiscal: Sufficient funds are budgeted in various Recreation and Parks Department accounts. The primary account is 110-900-8511-0230.

BACKGROUND:

Project Description: This contract will provide for specific plumbing services, including but not limited to repair, replacement and maintenance of all drains, pipes, sewers, water fountains, toilet and sink fixtures, roof drains, pools and associated plumbing equipment for City parks and facilities. All services will be consistent with the specification requirements and pricing in Fairfax County Government Contract #BL03-653125-12A-B.

The cost for services will range from \$26.25 per hour for Helper and \$69.30 per hour for a Journeyman Plumber. During the previous year \$60,000 was spent for these services. The initial contract term will be July 1, 2004 to March 31, 2005.

Reference: Harvey W. Hottel, Inc. has previously provided satisfactory plumbing services to the City of Rockville.

PREPARED BY:

Steve Mader 7/6/04
Steve Mader, Superintendent of Parks and Facilities Date

APPROVE:

Burt Hall
Burt Hall, Director of Recreation and Parks

7.6.04
Date

Eileen Morris
Eileen Morris, Contract Officer

7/6/04
Date

Catherine Tuck-Parrish
Catherine Tuck-Parrish, Acting City Manager

7/7/04
Date

LIST OF ATTACHMENTS:

Copy of Notice of Award and Pricing Page attached.



MAYOR AND COUNCIL AGENDA

NO. 8E

DEPT.: Community Planning and Development Services /
Contact: Ryan McDavitt, Program Manager for Town Center

DATE: July 8, 2004

ACTION: Modification of Purchase Order with Island Environmental

Of: Gaithersburg, MD

In the amount of: Not to exceed \$41,995.00

For: Environmental Assessment, planning, testing, and environmental work plan development for the construction phases of the Rockville Town Center Project.

ACTION STATUS:

FOR THE MEETING OF: 7/12/04

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CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION: Staff recommends the modification of a purchase order 27491 to Island Environmental in the amount of \$25,295.67 for a new "not to exceed" value of \$41,995.00.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Funding: Sufficient funding is available in the Account No. 420-600-0A80-0426.

BACKGROUND: Island Environmental, Inc. has provided all of the environmental investigation, Voluntary Cleanup Program (VCP) applications, and work plan development for the Town Square Project. Additionally, Island Environmental has provided a proposal to cover the "No Further Requirements Determination" (NFRD) Modification, Environmental Work plan development and site status letter to Oil Control Program (OCP). That proposal is included in the requested amount.

Island Environmental has performed work and invoiced for \$16,699.33 that was paid by PO 27491.

The Island Environmental proposal for work required to complete the Rockville Town Center has a value of \$25,295.67. That would make the new total \$41,995.00. Since the new total amount is more than \$40,000, Mayor and Council approval is required. This change of added service will not result in a cost impact to the budget.

Approval of this agenda item will also include a finding by the Mayor and Council, in accordance with Section 17-88 of the Purchasing Policy, that this process is in the best interests of the City to complete the Town Square project on time.

PREPARED BY:

Ryan McDavitt
Ryan McDavitt, Program Manager, Town Square Project

APPROVE:

Arthur D. Chambers
Arthur D. Chambers, Director, CPDS

Date

APPROVE:

Eileen Morris
Eileen Morris, Contract Officer

Date

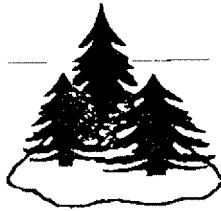
APPROVE:

Catherine Tuck-Parrish
Catherine Tuck-Parrish Acting City Manager

Date

LIST OF ATTACHMENTS:

1. Island Environmental proposal dated April 7, 2004
2. Island Environmental proposal dated December 23, 2003
3. Island Environmental proposal dated July 17, 2003
4. City of Rockville Memorandum approved by Acting City Manager



Island Environmental, Inc.

Smart Consulting Solutions

April 7, 2004

Mayor and Counsel of Rockville
c/o Mr. Don Briggs
Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20852

Subject: Proposal for Limited Subsurface Investigation
Amoco Station - 330 Hungerford Drive
Rockville, Maryland

Dear Mr. Briggs:

Island Environmental, Inc. is pleased to submit this proposal to complete a Limited Subsurface Investigation of the above-referenced property (the site). All work is to be performed under the existing Consulting Services Agreement between Island Environmental, Inc. and Federal Realty.

Based on the results of Island's Phase I Environmental Site Assessment performed at the site dated July 2003, and Limited Subsurface Investigation (draft reported dated March 2004) various petroleum hydrocarbon and volatile organic contaminants have been identified in site soils and groundwater. As part of the previous Limited Subsurface Investigation, one monitoring well was installed at the Amoco property to supplement two existing wells installed by others. During that investigation, one of the pre-existing wells was dry. As a result, only two monitoring wells were sampled as part of the previous investigation. Subsequently, URS Corporation (environmental consultant to the residential co-developer of the Rockville Town Square project) has indicated that additional sampling points should be considered at the Amoco site to further evaluate site conditions.

Island understands that Federal Realty and the City of Rockville are coordinating with Engineering Consultant Services, Ltd. (ECS) to conduct additional geotechnical investigations at the Block 4 property. It is our understanding that ECS has proposed seven additional borings for various portions of Block 4, two of which will be converted to monitoring wells per Island's specifications.

In conjunction with the investigation at the Amoco site, Island was to implement a similar investigation at the adjacent townhouse property (adjacent to the south) to supplement the data collected at the Amoco property. However, access to this property has been denied by the current owner. As a result, the investigation conducted at the Block 4 site is incomplete at this time. The purpose of this additional investigation is to generate additional soil and groundwater data to evaluate releases at the Amoco site and to respond to the concerns expressed by URS Corporation. The scope of work, fees and schedule for this project are summarized in the following sections:

316 East Diamond Avenue, Suite 201, Gaithersburg, Maryland 20877
301-869-1175 Fax 301-869-1197
www.islandenv.com

X NEW WORK

Mr. Don Briggs

April 7, 2004

Page 2 of 4

1.0 Work Scope

The scope of work for the subsurface investigation will include the following:

Task 1 - Boring Advancement & Soil Sampling

Island will coordinate with ECS, who will be responsible for advancing the soil borings at the site, and installation of monitoring wells in two of these borings. Island assumes that ECS will be responsible for requesting a utility mark-out prior to mobilization on-site. Island's scope of services will consist of the following tasks:

- Prepare a Site Health and Safety Plan (as required by OSHA 29 CFR Part 1910) for Island personnel to review prior to obtaining entry to the site for subsurface work.
- Coordinate with the client and ECS advancement of up to seven soil borings at various locations onsite. Borings will be advanced using an ECS hollow-stem auger drill rig to groundwater, probe refusal, or to a maximum depth of 40 feet below the ground surface.
- Perform sampling and screening of on-site soils. An HNU PI-101 (or equivalent) Photoionization Detector, calibrated to an isobutylene standard will be used to screen soil samples in the field for the presence of total volatile organic compounds (VOCs).

Selected grab soil samples will be collected from each boring. Depending on the location, depth and PID screening results, as well as any visual or olfactory evidence of contamination, samples will be submitted for various laboratory parameters. For the purposes of this proposal, Island assumes that up to three soil samples will be submitted for laboratory analysis of volatile organic compounds by EPA Method 8240 and gasoline and diesel range total petroleum hydrocarbons (TPH-GRO/DRO) by EPA Method 8015B. In addition, one sample will be submitted for laboratory analysis of semi-volatile organic compounds by EPA Method 8270.

Task 2 - Groundwater Sampling

Once the two new groundwater monitoring wells have been installed, developed, and allowed to equilibrate for approximately seven days, groundwater samples will be collected from up to three onsite wells in accordance with Island's standard protocols. Samples will be submitted for laboratory analysis of volatile organic compounds by EPA Method 8240 and gasoline and diesel range total petroleum hydrocarbons (TPH-GRO/DRO) by EPA Method 8015B. In addition, one of the groundwater samples will be submitted for laboratory analysis of semi-volatile organic compounds by EPA Method 8270.

Prior to sampling, water elevations will be measured. The water level measurements can be used to determine approximate groundwater flow directions at the site. The groundwater samples will be submitted to the analytical laboratory for standard one week turnaround time.

Mr. Don Briggs
April 7, 2004
Page 3 of 4

Task 3 - Report Preparation

Island will prepare a report summarizing Limited Subsurface Investigation. The report will include the methods and findings of the Limited Subsurface Investigation, including analytical results, field screening results, data interpretation, conclusions, and recommendations for further investigation and/or remediation (if necessary).

2.0 Fees and Schedules

Island estimates the cost to perform the tasks identified above to be approximately \$8,475.00 with the following cost breakdown:

Subsurface investigation	\$ 4,025.00
Task 1	\$ 2,900.00
Task 2	\$ 1,550.00
Task 3	\$ 8,475.00
TOTAL	\$ 8,475.00

Project billing will occur on a time and materials basis not to exceed the above total. Island proposes to begin work upon authorization to proceed. Soil boring advancement and monitoring well installation will be accomplished in accordance with a schedule to be determined by ECS. Upon completion of field activities, soil and groundwater samples will be submitted for a one-week laboratory turnaround time. A final report will be provided approximately two weeks following receipt of analytical data. In summary, depending on site access, this project can be completed within four to five weeks.

Island assumes that utility clearance prior to commencing drilling operations will be performed by others. We request to review any available plans depicting underground utilities or piping on the site. To the extent that unidentified utilities are encountered during drilling activities, Island will not be held liable for damages or responsible for repair of such.

Please sign below indicating your acceptance of this proposal. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Ric Woodie
Senior Project Manager

ACCEPTED

Name:

Date:



Island Environmental, Inc.

Smart Consulting Solutions

Invoice

Date	Invoice #
3/18/2004	30346.2

316 East Diamond Avenue, Suite 201
Gaithersburg, Maryland 20877

Bill To

Mayor and Council of Rockville
c/o Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20185
Attn: Don Briggs

Project

Limited Subsurface Investigation
Amoco Station/Office
Townhouses
Hungerford Drive, Rockville, MD

Description	Qty	Rate	Amount
Onsite Labor - Soil Boring/Monitoring Well Installation, Stream Sampling and Hand Augering	22	100.00	2,200.00
Drilling Subcontractor	1	1,569.75	1,569.75
Laboratory Subcontractor (VOC in groundwater)	1	258.75	258.75
Laboratory Subcontractor (TPH-GRO in Groundwater)	1	97.75	97.75
Laboratory Subcontractor (TPH-DRO in Soil)	2	126.50	253.00
Laboratory Subcontractor (DRO in Surface Water)	1	126.50	126.50
Laboratory Subcontractor (VOC in Surface Water)	1	258.75	258.75
Laboratory Subcontractor (VOC in Soil)	1	258.75	258.75
Laboratory Subcontractor (RCRA Metals in Soil)	1	207.00	207.00
Laboratory Subcontractor - Data Package	1	219.08	219.08
Photoionization Detector	1	100.00	100.00
Supplies & Consumables	1	150.00	150.00
Data Interpretation and Report Preparation	24	100.00	2,400.00
Report Graphics	4	75.00	300.00
Project Management	6	100.00	600.00

For services rendered through 3/12/04

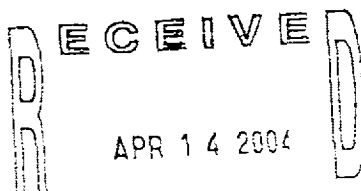
Total **\$8,999.33**

Phone #

301-869-1175

Fax #

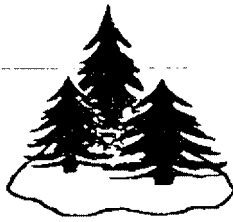
301-869-1197



Web Site

www.islandenv.com

PARTIAL OF 1730103 PROPOSAL
COMMUNITY PLANNING
AND DEVELOPMENT SERVICES



Island Environmental, Inc.

Smart Consulting Solutions

December 23, 2003

Mayor and Council of Rockville
c/o Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20852
Attn: Don Briggs

Subject: Environmental Consulting Services
Rockville Town Square II

Dear Mr. Briggs:

Island Environmental, Inc. is pleased to submit this proposal to provide ongoing environmental consulting services for the above-referenced property. Under previous proposals, Island provided environmental consulting services to Federal Realty Investment Trust for environmental activities associated with Magruder's Shopping Center property owned by Federal Realty (Rockville Town Square I) and the 200 East Middle Lane parking lot owned by the City of Rockville (Rockville Town Square II). These services generally include environmental investigations and other services associated with the application for these properties to be obtain closure from the Maryland Department of the Environment (MDE) Voluntary Cleanup Program (VCP). Previously, Island performed these services on behalf of both parties as part of an agreement with Federal Realty. It is our understanding that the nature of the agreement between Federal Realty and the City of Rockville has been modified recently. As a result, Island will contract with both entities to cover the environmental work associated with the activities performed at the Rockville Town Square I and Rockville Town Square II properties.

To date, Island has invoiced \$67,483.63 of a budgeted \$72,010.00 for the entire Rockville Town Square (I and II) project. This amount covers all work performed by Island through November 30, 2003, including supplemental Phase I environmental site assessments for each of the properties, subsurface investigations, pre-application meetings with VCP representatives, internal discussions with client representatives, completion of VCP applications for both properties, and response to initial questions raised by VCP representatives. This amount also includes a portion of the costs associated with development of the Environmental Workplan defined in the general development agreement (GDA) between the City of Rockville, Federal Realty, and the residential co-developer (RD Rockville). The following sections include a summary of tasks associated with the Rockville Town Square II property yet to be completed in support of the VCP application process and environmental workplan preparation and the estimated costs associated with these tasks. Also included is a general description of other likely activities that will likely be required during re-development, and unit costs for such services.

Mr. Don Briggs
December 23, 2003
Page 2 of 5

1.0 BACKGROUND AND OBJECTIVE

In August 2003, Island prepared a VCP application and supporting documentation for land owned by the Mayor and Council of Rockville (referred to as "Rockville Town Square II") requesting a No Further Requirements Determination (NFRD) from the VCP relating to soil and groundwater contamination identified at the Rockville Town Square II site. Contaminants identified at this location included petroleum contamination and chlorinated hydrocarbon contamination in soils and groundwater at both the Rockville Town Square I and II properties. The petroleum contamination has been attributed to an upgradient, offsite source. The chlorinated hydrocarbon contamination has been attributed to historic and/or current dry cleaning operations conducted at the shopping center located on the Rockville Town Square I property.

VCP has already issued an NFRD for the Rockville Town Square II property. However, based on some of the language contained in the determination, as well as subsequent discussions with VCP, the NFRD will require modification including:

- Modification of the definition of "Commercial Purposes" in the NFRD, and
- Definition of specific portions of the property to which some of the physical maintenance requirements will apply.

Given the future planned development of the Rockville Town Square II property, contaminated soil and or groundwater identified at this property may require special handling and/or disposal as part of the development project. As previously indicated, Island has begun preparation of an Environmental Work Plan to establish protocols for the identification, segregation, and proper disposal of contaminated soils as well as treatment and or disposal of contaminated water generated during site dewatering activities. This Environmental Work Plan will also include a site-specific health and safety plan.

For the purposes of this proposal, Island assumes that Block 3B can be specified in the revised NFRD as the only portion of the property subject to the soil excavation/disposal and vapor barrier physical maintenance requirements.

2.0 SCOPE OF WORK

The scope of work covered under this proposal consists of the following tasks:

Site Status Letter

As required by the GDA, Federal Realty and the City of Rockville are required to obtain a Site Status Letter to address the petroleum related contamination identified at the site. Such a letter must consist of either of the following:

- A Cleanup Suspension Letter as described in COMAR 26.10.01.05D or a Final Closure Letter as described in COMAR 26.10.01.05E for contamination originating on the affected parcel or parcels, or

Mr. Don Briggs
December 23, 2003
Page 3 of 5

- A Site Status Letter confirming that neither FRIT, the City, nor their respective successors and assigns shall be considered a person responsible for the discharge of Petroleum from a site other than the Project.

In support of such a letter, Island will prepare a submittal to the MDE's Oil Control Program (OCP) for review and approval by Federal Realty and the City of Rockville prior to submittal to OCP.

NFRD Revision

Based on some of the land use definitions and physical maintenance requirements described in the December 1, 2003 NFRD letter provided by VCP, several modifications to the NFRD have been proposed. Island will prepare a letter requesting such modifications, including:

- Modification of the definition of "Commercial Purposes" in the NFRD to correspond to the definition of this term used on the most recent VCP guidance (November 2003), and
- Definition of specific portions of the property (Block 3B) to which some of the physical maintenance requirements will apply. These include the vapor barrier and soil excavation/disposal requirements.

Workplan Development

Although Island is currently in the process of developing the workplan as required by the GDA, in order to split the effort to complete this task between the Rockville Town Square I and II properties, Island proposes to bill half of the continuing effort associated with this task to each project. As part of this ongoing task, the following issues will be evaluated:

Review of Development Plans

Island will review available development plans for the Rockville Town Square development as they are related to soil excavation and construction dewatering. Specific information to be evaluated includes specific locations, depth and aerial extent of soil excavation. This review will also include discussions with engineering and construction representatives included on the project team

Soil Volume Determinations

As part of this research, potential volumes of soil to be excavated and disposed will be approximated based on the Island's review of development plans and discussions with various project representatives. It is currently anticipated that only the soil associated with Block 3B will require special handling and treatment (and will be subject to any physical maintenance requirements as part of an NFRD).

Mr. Don Briggs
December 23, 2003
Page 4 of 5

Soil Management/Disposition Alternatives

Once the volume of soils to be excavated has been approximated, and based on the analytical results of soil and groundwater sampling performed at various locations at the sites, Island will perform an evaluation of various soil management and disposition alternatives for incorporation into the final Environmental Work Plan.

Dewatering Considerations

As several locations at the site proposed for deep (>15 feet below ground surface) excavation activities will likely encounter contaminated groundwater, development of the Environmental Work Plan will include an evaluation of the various treatment and discharge options associated with construction dewatering.

Environmental Work Plan Development

Concurrent with the additional research described above, Island will continue preparing the detailed Environmental Work Plan for managing soil and groundwater contamination encountered during site development. The Environmental Work Plan will include a discussion of the proposed methods for screening and segregating impacted soils excavated during development, and will propose disposal alternatives, dependent upon the severity of impact from contaminants of concern. The Environmental Work Plan will also include a section describing proposed techniques for treatment (if necessary) and discharge of surface and groundwater to be dewatered during development and long term operation of the proposed development. Lastly, the Environmental Work Plan will include a site-specific health and safety plan that will be implemented upon initiation of construction activities at the site.

Excluded Tasks

Any additional activities not anticipated in the scope of work described above will be billed on a time-and-materials basis in accordance with the attached schedule of rates. Items considered outside the scope of work described above include additional activities required to satisfy requests made by VCP representatives and any additional meetings and/or correspondence with VCP representatives.

Costs associated with oversight and monitoring during development have not been included in this proposal.

3.0 FEES AND SCHEDULES

Island will complete the scope of work described above on a time-and-materials basis for a not-to-exceed fee of \$7,700.00. Billings will not exceed this amount without written consent. A summary of the anticipated costs is included below:

Mr. Don Briggs
December 23, 2003
Page 5 of 5

Task	Cost
NFRD Modification	\$ 1,200.00
Environmental Workplan Development	\$ 5,500.00
Site Status Letter to OCP	\$ 1,000.00
TOTAL:	\$7,700.00

Island will continue in its efforts described as "additional research" and will continue preparing the Environmental Work Plan. The Environmental Workplan will be submitted to the VCP for review as soon as it is available. It is anticipated that a draft Environmental Work Plan will be provided by mid-January. The Environmental Work Plan will be finalized upon receipt of comments.

Please sign below indicating your acceptance of this proposal. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Ric Woodie
Manager, Environmental Services

ACCEPTED:

Name

Date:

ATTACHMENT 3



Island Environmental, Inc.
Smart Consulting Solutions

July 17, 2003

Mayor and Council of Rockville
c/o Mr. Don Briggs
Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20852

Subject: Proposal for Limited Subsurface Investigation
Amoco Station - 330 Hungerford Drive
Rockville, Maryland

Dear Mr. Briggs:

Island Environmental, Inc. is pleased to submit this proposal to complete a Limited Subsurface Investigation of the above-referenced property (the site). All work is to be performed under the existing Consulting Services Agreement between Island Environmental, Inc. and Federal Realty in accordance with ASTM Standards.

Based on the results of Island's Phase I Environmental Site Assessment performed at the site dated July 2003, there is a potential for surficial and subsurface contamination at the site related to releases from underground storage tanks systems as well as automotive repair activities at the site. In order to evaluate the existence and potential extent of such contamination, Island proposes to complete a subsurface investigation at the Amoco property and adjacent office townhouse property. The scope of work, fees and schedule for this project are summarized in the following sections:

1.0 Work Scope

The scope of work for the subsurface investigation will include the following:

Task 1 - Monitoring Well Sampling and Analysis

Island's proposes to mobilize to the site and collect groundwater samples from the existing onsite groundwater monitoring wells. During Island's Environmental Site Assessment, two such wells were observed onsite. However, a review of well records maintained by the Maryland Department of the Environment - Groundwater Permits Section, as many as six monitoring wells have been permitted for this site. If additional wells are found onsite, Island will sample up to four wells. Groundwater samples will be submitted for laboratory analysis of volatile organic compounds by EPA Method 8240 and gasoline and diesel range total petroleum hydrocarbons

316 East Diamond Avenue, Suite 201, Gaithersburg, Maryland 20877
301-869-1175 Fax 301-869-1197
www.islandenv.com

Mr. Don Briggs

July 17, 2003

Page 2 of 4

(TPH-GRO/DRO) by EPA Method 8015B. In addition, one of the groundwater samples will be submitted for laboratory analysis of semi-volatile organic compounds by EPA Method 8270.

Prior to sampling water elevations will be measured. If more than two wells are located and sampled, the water level measurements can be used to determine approximate groundwater flow directions at the site.

The groundwater samples will be submitted to the analytical laboratory for standard one week turnaround time. The results of these groundwater samples will assist in locating sample locations for additional soil borings.

Task 2 - Soil and Groundwater Investigation

Upon receipt of groundwater analytical results from the previous task, Island will mobilize to the site for the next phase of this investigation, which will be comprised of the following tasks:

- Request a utility mark-out followed by a site inspection prior to mobilization on-site.
- Prepare a Site Health and Safety Plan (as required by OSHA 29 CFR Part 1910) for Island personnel to review prior to obtaining entry to the site for subsurface work.
- Coordinate with the client and a qualified drilling subcontractor for the advancement of up to twelve (12) soil borings (2 days) at various locations onsite. Borings will be advanced using GeoProbe drilling technology to groundwater, probe refusal, or to a maximum depth of 20 feet below the ground surface.
- Perform sampling and screening of on-site soils. An HNU PI-101 (or equivalent) Photoionization Detector, calibrated to an isobutylene standard will be used to screen soil samples in the field for the presence of total volatile organic compounds (VOCs).
- Selected grab soil and groundwater samples will be collected from each boring. Depending on the location, depth and PID screening results, as well as any visual or olfactory evidence of contamination, samples will be submitted for various laboratory parameters. For the purposes of this proposal, assumed analytical parameters are summarized in the following table:

Parameter	Number of Samples per Media	
	Soil	Groundwater
TPH-GRO (Method 8015B)	0	2
TPH-DRO (Method 8015B)	10	5
VOC (Method 8240)	6	5
SVOC (Method 8270)	2	0
PP Metals (Methods 200.8/6020)	2	0
BTEX/MTBE/Napthalene (Method 8021)	0	2

Mr. Don Briggs
July 17, 2003
Page 3 of 4

Island will prepare a report summarizing Limited Subsurface Investigation. The report will include the methods and findings of the Limited Subsurface Investigation, including analytical results, field screening results, data interpretation, conclusions, and recommendations for further investigation and/or remediation (if necessary).

Task 3 - Surface Water Sampling

As a separate task, Island will collect surface water and/or sediment samples from the stream located along the Amoco gas station property. Up to three samples will be collected and analyzed for VOCs and TPH (gasoline and diesel range organics).

Optional Tasks

In the event that only two monitoring wells are identified, or if results of the investigation warrant, one or more additional monitoring wells may need to be installed and sampled for similar parameters identified above. For purposes of this proposal, the cost for such additional work is excluded, but estimated to be between \$5,000 and \$7,000.

2.0 Fees and Schedules

Island estimates the cost to perform the tasks identified above to be approximately \$25,820.00 with the following cost breakdown:

Subsurface investigation	
Task 1 - Well Sampling	\$ 5,810.00
Task 2 - Subsurface Investigation	\$ 16,710.00
Task 3 - Stream Sampling	\$3,300.00
TOTAL	\$25,820.00

Project billing will occur on a time and materials basis not to exceed the above total. Island proposes to begin work upon authorization to proceed. Monitoring wells sampling can be accomplished immediately, depending upon site access. GeoProbe drilling activities will be conducted 7-10 days following the monitoring wells sampling event. Upon completion of field activities, soil and groundwater samples will be submitted for a one-week laboratory turnaround time. A final report will be provided approximately two weeks following receipt of analytical data. In summary, depending on site access, this project can be completed within four to five weeks.

It should be noted that, based on the analytical results of the groundwater samples collected from the monitoring wells in Task 1 of investigation, sample numbers and/or parameters may be reduced or eliminated from the scope of work resulting in lower project costs.

Island will obtain utility clearance prior to commencing drilling operations. We request to review any available plans depicting underground utilities or piping on the site. To the extent that unidentified utilities are encountered during drilling activities, Island will not be held liable for damages or responsible for repair of such.

Please sign below indicating your acceptance of this proposal. Should you have any questions,

Mr. Don Briggs
July 17, 2003
Page 4 of 4

please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ric Woodie", written over a horizontal line.

Ric Woodie
Senior Project Manager

ACCEPTED

Name:
Date:



Island Environmental, Inc.

Smart Consulting Solutions

316 East Diamond Avenue, Suite 201
Gaithersburg, Maryland 20877

Invoice

Date

Invoice #

4/28/2004

30401.2

ENVIRONMENTAL

APR 28 2004

Bill To

Mayor and Council of Rockville
c/o Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20852
Attn: Don Briggs

Project

Rockville Town Square II
MDE-VCP Application/Workplan
February 1, 2004 through
April 23, 2004

Description	Qty	Rate	Amount
Environmental Workplan Preparation	32	100.00	3,200.00
Health & Safety Plan Preparation	8	100.00	800.00

For services rendered through 4/23/04

Total **\$4,000.00**

Phone #

Fax #

Web Site

301-869-1175

301-869-1197

www.islandenv.com

Proposal 2305C03



Island Environmental, Inc.

Smart Consulting Solutions

Invoice

Date	Invoice #
2/2/2004	30401.1

316 East Diamond Avenue, Suite 201
Gaithersburg, Maryland 20877

Bill To

Mayor and Council of Rockville
c/o Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, Maryland 20852
Attn: Don Briggs

Project

Rockville Town Square II
MDE-VCP Application/Workplan
December 1, 2003 through
January 31, 2004

Description	Qty	Rate	Amount
MDE Oil Control Program Site Status Letter	10	100.00	1,000.00
Environmental Workplan Preparation	27	100.00	2,700.00

For services rendered through 1/31/04

Total **\$3,700.00**

Phone #

Fax #

Web Site

301-869-1175

301-869-1197

www.islandenv.com

Proposed 23 DEC 03



City of Rockville

MEMORANDUM

June 15, 2004

TO: Catherine Tuck-Parrish, Acting City Manager

FROM: Arthur D. Chambers, AICP, Director *ADC*
Community Planning and Development Services

SUBJECT: Island Environmental, Inc.

Island Environmental Inc. has provided consulting services to Federal Realty Investment Trust for the environmental activities associated with the Rockville Town Square Project. Pursuant to the Development Service Agreement, all current agreements with Consultants for work associated with the Town Square will be contracted directly with the City of Rockville, but will continue to be managed by Don Briggs with Federal Realty Investment as stated in the Development Service Agreement.

Attached are three proposals for work that Island Environmental has been directed to complete by Don Briggs. Due to a delay in obtaining Mayor and City Council approval, Island Environmental has currently completed work in the amount of \$16,699.33 and has invoiced the city for payment. We recommend that the invoices be approved for payment with the understanding that the proposals will be presented to the Mayor and City Council at the July 12th General Session for approval. Copies of the proposals for Services and the three outstanding invoices are attached. The total value of the proposals is \$41,995.00 and once approved a Purchase Order will be issued.

Approval:

Catherine Tuck Parrish
Catherine Tuck-Parrish Acting City Manager

6/18/04
Date



MAYOR AND COUNCIL AGENDA

NO. 8F

DEPT.: /

DATE: July 6, 2004

ACTION: Award of RFP #70-04
TO: Holland and Knight
OF: Washington, DC, and Annapolis, MD
AMOUNT: \$120,000
FOR: State and Federal Lobbying Services

ACTION STATUS:
FOR THE MEETING OF: 7-12-04
INTRODUCED
PUB. HEARING
INSTRUCTIONS
APPROVED
EFFECTIVE
ROCKVILLE CITY CODE,
CHAPTER
SECTION
☐ CONSENT AGENDA

RECOMMENDATION: Staff recommends award of RFP #70-04 to Holland and Knight of Washington, DC and Annapolis, Maryland in the amount of \$120,000 for State and Federal Lobbying Services for the period from award through June 30, 2005, with the option to extend the contract for 3 additional 1 year periods subject to funding.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Requests for Proposal were mailed to 17 firms, three of which were Rockville firms. The mailing list was derived from web research, contacts, and previous RFPs. In addition the RFP was advertised on the City's website. The RFP requested that firms submit a proposal to provide lobbying services at both the State and Federal level, but permitted firms to bid solely on either portion of the RFP. It was noted in the RFP that preference would be given to firms who could provide both services. Five responses were received, three of which provide state and federal services, and two providing only federal services.

<u>Contractor</u>	<u>Location</u>	<u>Bid Price</u>	<u>Ranking (score)</u>
1. Holland and Knight	Washington, DC/Annapolis, MD	\$120,000	1 (7.6)
2. Patton Boggs- Gov't Affairs MD	Washington, DC/Annapolis, MD	\$130,000	2 (6.46)
3. Carmen Group	Washington, DC	\$108,000 *	3 (5.33)
4. Cheseapeake Gov't Relations	Washington, DC/Annapolis, MD	\$120,000	4 (tie) (5.26)
5. O'Connor & Hannan LLP	Washington, DC	\$65,000 *	4 (tie) (5.26)

Proposal Evaluations

The firm's proposals were evaluated independently by a staff committee consisting of Bo Ferguson (Assistant to the City Manager), Dominic Del Pozzo (Budget Officer) and Telly Whitfield (Neighborhood Resources Coordinator.) The firms were rated on technical qualifications and experience (40%), philosophy of achieving effective lobbying results (40%) and cost of services (20%). The compiled results of the ranking process are shown in the above list.

After reviewing the proposals, the committee met and recommended that the top two firms be invited for interviews with the staff team. Catherine Tuck Parrish, Acting City Manager, joined the staff team for the interview process. Patton-Boggs (who submitted a joint proposal with Government Affairs-Maryland) and Holland and Knight both made presentations and answered questions for the staff team. After carefully considering both firms qualifications and their performance in the interviews, staff believes Holland and Knight has the most attractive proposal and can best represent the city's interests.

References

Staff checked references for the two firms who were invited to interview. All references for both firms expressed high levels of satisfaction with all three companies involved in the two proposals. No examples of problems or unsatisfactory work were discussed.

Future Costs

It should be noted that firms were asked to commit to pricing for up to three additional years of service, and quote the cost of future years of service with their submittal. The City would prefer to sign a contract that allows both parties to extend the agreement for one year at a time for up to three additional years after FY05. The additional year costs for the two firms who were invited for interviews for the four-year period are shown below:

Firm	<u>Holland and Knight</u>	<u>Patton Boggs/Government Affairs – Maryland</u>
Year One	\$120,000	\$130,000
Year Two	\$132,000	\$130,000
Year Three	\$132,000	\$130,000
Year Four	<u>\$144,000</u>	<u>\$130,000</u>
Four Year Total	\$528,000	\$520,000

PREPARED BY:

W. Bowman Ferguson
W. Bowman Ferguson, Assistant to the City Manager

1/6/04

Date

APPROVE:

Eileen Morris, (B Books)
Eileen Morris, Contract Officer

7/6/04

Date

Catherine Tuck Parrish
Catherine Tuck Parrish, Acting City Manager

7/7/04

Date

LIST OF ATTACHMENTS:

Holland and Knight Proposal

COPY



**Request for Proposal for State and Federal Lobbying Services
RFP #70-04**

June 2004

Holland+Knight

**Public Policy Services
An Integrated Offering**

Policy Development
Government Affairs
Media Relations
Legal Counsel



Table Of Contents

SECTION 1.	UNDERSTANDING THE CITY'S REQUIREMENTS	1
SECTION 2.	BACKGROUND AND EXPERIENCE	3
SECTION 3.	APPROACH AND METHODOLOGY	15
SECTION 4.	LEGAL VIOLATIONS AND CONFLICTS OF INTEREST	23
SECTION 5.	FEE PROPOSAL	24
SECTION 6.	OTHER INFORMATION	26
SECTION 7.	REQUIRED FORMS	36

HOLLAND & KNIGHT LLP

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Washington, D.C. 20006-6801

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202-955-5564 FAX
www.hklaw.com

Annapolis	San Francisco
Atlanta	Seattle
Bethesda	Tallahassee
Boston	Tampa
Bradenton	Washington, D.C.
Chicago	West Palm Beach
Fort Lauderdale	
Jacksonville	Holland & Knight LLC
Lakeland	
Los Angeles	International Offices
Melbourne	Caracas
Miami	Helsinki
New York	Mexico City
Northern Virginia	Rio de Janeiro
Orlando	São Paulo
Portland	Tel Aviv
Providence	Tokyo
St. Petersburg	
San Antonio	Representative Offices

DAVID WINSTEAD
(202) 457-7849
david.winstead@hklaw.com

June 2, 2004

Attn: Contracts Officer
Purchasing Division
City Hall
111 Maryland Avenue
Rockville, MD 20850-2364


Re: Request for Proposal for State Federal Lobbying Services (RFP # 70-04)

The law firm of Holland & Knight LLP ("H&K") is pleased to submit our proposal to the City of Rockville to continue to provide legislative representation and consulting services to promote the City's policy goals and program needs before the Maryland General Assembly, State agencies, Congress and executive branch agencies in Washington, D.C. The client services team that we have handpicked for you will provide the City with federal legislative support through H&K's Washington, D.C., office, and Maryland General Assembly and executive branch representation through our Annapolis office. I will serve as the Engagement Manager and take the lead on all issues pending before the Maryland General Assembly, and work with Rich Gold on federal appropriations issues.

As you know, with offices in Annapolis, Bethesda and Washington, D.C., our vast experience in assisting local governments in obtaining state and federal funding for transportation, water, sewer, streets and drainage, recreation and parks, police planning and zoning, community development and community service projects cannot be matched by most law and lobbying firms. Further, the City of Rockville will have ready access to our extensive skills and experience in the state and federal appropriations, grants, regulatory, legislative and authorization processes. Among our proposed team to serve the City are two former members of Congress, a former Secretary of the Maryland Department of Transportation, a former Vice President of Government Affairs for the Maryland Chamber of Commerce, a former advisor to the EPA Administrator, a former Senior Advisor at the White House Council on Environmental Quality, a former Deputy Assistant to the President for Intergovernmental Affairs, and a former staff member of the U.S. House Appropriations Committee. Further, because of the depth of our practice and our extensive knowledge and experience in a myriad of issues facing Rockville, Holland & Knight could begin assisting the City immediately.

As requested, our Fed ID number is 59-0663819. After you have reviewed our proposal, please do not hesitate to contact me directly with questions or comments. Holland & Knight would consider it a privilege to represent the City of Rockville.

Very truly yours,



David Winstead

SECTION 1.

UNDERSTANDING THE CITY'S REQUIREMENTS

Proven Track Record of Success for Rockville

FY03

- \$1,500,000 for the Rockville, Maryland Police Department to upgrade communications, records management, and emergency services systems
- \$150,000 Rockville, Maryland for pedestrian access
- \$162,000 to the City of Rockville, Maryland for sidewalk, pedestrian amenities, lighting, and beautification improvements for the Rockville Town Center Redevelopment Project
- \$1,125,000 to the City of Rockville, Maryland for its Stormwater Management Improvement Project

FY04

- \$100,000 for the City of Rockville, MD, for law enforcement technologies: \$75,000 to the City of Rockville, Maryland for construction of a park at King Mill

FY05

- \$1,500,000 in the State of Maryland capitol bond allocation for infrastructure needed to support town center development
- Worked with the city and state delegation leadership on issues affecting the city since 2000

Through our current representation, you know that Holland & Knight LLP offers the City of Rockville the services of one of the top lobbying operations in Washington, D.C. and Annapolis, Maryland, as well as an impressive track record of achievements in state legislative matters, infrastructure, transportation, water, sewer, streets and drainage, recreation and parks, police, planning and zoning, community development and community service matters. The Holland & Knight team provides the City the ability to reach key decision-makers on both sides of the aisle in the Maryland General Assembly, House and Senate as well as the Bush Administration. We boast extensive experience advising clients on the state and federal policy process, and formulating and implementing winning strategies. We also possess the resources necessary to successfully carry the goals and strategies set forth by the City of Rockville.

- **The H&K Team would be comprised of a core group of veteran advocates with the experience, contacts and access that Rockville needs to be successful.** The group includes two former members of Congress, a former Secretary of the Maryland Department of Transportation, a former Vice President of Government Affairs for the Maryland Chamber of Commerce, a former advisor to the EPA Administrator, a former Senior Advisor at the White House Council on Environmental Quality, a former Deputy Assistant to the President for Intergovernmental Affairs and several former congressional staff Members with significant appropriations experience.
- **The extensive experience of the H&K Team in the state and federal legislative, budget and appropriations processes has produced significant dividends for its clients.** Since 2000, the Holland & Knight Appropriations Team secured over \$1,000,000,000 in federal appropriated funds on behalf of a range of public sector, non-profit and corporate clients, as well as, state funding and legislative actions in Maryland.
- **The H&K Team understands local public entity issues.** In the previous appropriations cycles, Holland & Knight has represented over 30 local public entities and tribes on a number of federal issues similar to those outlined by the City of Rockville. At the state level, Holland & Knight expanded into Maryland in March 2001 with the addition of attorneys from Wilkes Artis and its Bethesda and Annapolis offices. The legacy of Wilkes Artis continues in the representation of real estate, associations, public entities, transportation and development interests, as well as continued civic and political involvement in Maryland. Our team understands the significant opportunities the Maryland General Assembly and executive branch provides for local governments protect and/or enhance their capital improvement and infrastructure development projects. The knowledge and experience of the Holland & Knight government relations team enables our clients to utilize the experience and relationships developed by us during more than 20 years in Annapolis.

- The H&K Team offers an integrated approach at a reasonable price. As you will see on the following pages, Holland & Knight is able to offer the City an integrated team of strategic communicators, senior advisors, lobbyists, and attorneys with technical expertise all under one roof. Given the scope of services the City has requested and the number of federal congressional committees, state legislative committees and federal and state agency staff we will be working with, we are proposing to offer these services for \$10,000 a month for the first year, which is a slight reduction from our current contract price.

We have reviewed the scope of services and requirements and we have a complete understanding of what is required. Further, the H&K Team has the qualifications to work with the City to identify state and federal funding opportunities, legislative objectives and policy priorities, and to develop a refined and comprehensive plan that assists your government affairs and technical staff in securing state and federal dollars that will advance the priorities of Rockville.

SECTION 2.

BACKGROUND AND EXPERIENCE

A. Firm Qualifications Relevant to the Scope of Services

H&K has excellent relationships with:

- the Maryland congressional delegation including Senators Sarbanes and Mikulski and Representatives VanHollen, Wynn, Hoyer, Bartlett and Cummings;
- the Rockville and Montgomery County State leadership, as well as key players in the Maryland Legislature and Executive Branch, to include the Governor, LT. Governor, Cabinet Secretaries, the Senate President and Speaker of the House;
- the Energy and Natural Resources, Environment and Public Works, Commerce, Science and Transportation and Appropriations Committees in the Senate;
- the Energy and Commerce, Financial Services, Transportation and Infrastructure and Appropriations Committees in the House;
- senior level White House officials dealing with environmental, water, sewer transportation, public safety and community/ economic development issues as well as key officials in the executive branch departments.

Holland & Knight LLP is among the largest law firms in the world with more than 1,250 lawyers who practice in over 100 areas of law. The firm's United States offices are in California, Florida, Georgia, Illinois, Maryland, Massachusetts, New York, Oregon, Rhode Island, Virginia, Washington state and Washington, D.C. Internationally, the firm's offices are in Mexico City, Helsinki, Rio de Janeiro, Tokyo and São Paulo, with representative offices in Caracas and Tel Aviv.

Holland & Knight ("H&K") offers the City of Rockville the ideal combination of lawyers and lobbyists with a comprehensive understanding of state and federal policy and regulatory processes. The combined experience of the team allows our clients to have the legal advice necessary in various complex policy areas combined with access to key decision-makers from both parties.

Our Public Policy & Regulation Group takes the lead on public advocacy projects on behalf of our clients, but we also fully utilize all resources within H&K to ensure seasoned, creative and timely service to our clients. This interdisciplinary approach provides our clients with a full analysis of the legal, political, regulatory, business and media components that surround the public and private issues of importance to them. We also have the knowledge of precisely how, where and when to intervene to achieve desired results.

Of equal value, the H&K team includes several individuals who have substantial leadership and legal experience with key federal agencies and Congress. This experience coupled with our contacts with Department of Defense ("DoD"), Environmental Protection Agency ("EPA"), Department of Justice ("DOJ"), Department of Labor (DOL), Department of Homeland Security (DHS), Department of Transportation, and Department of Housing and Urban Development ("HUD") officials at the highest levels may prove vital if, for instance, Congress appropriates additional funding for transportation infrastructure projects without specifying how those funds are to be distributed and according to what schedule. In such a scenario, the linchpin to success will be our reliance on well-established relationships with the relevant decision-makers at DOT to achieve the City of Rockville's goals, and our knowledge of the underlying legal and policy infrastructure in each of the departments.

At the state level, our attorneys have excellent relationships with the Budget and Taxation Committee, as well as the Education, Health and Environmental Affairs Committee and Finance Committee in the Senate. In the House, we have excellent relationships with the Appropriations Committee; the Economic Matters Committee; the Environmental Matters Committee and the Ways and Means Committee. In addition, our attorneys have professional relationships with all Maryland Department Secretaries.

Using our existing relationships and our substantive experience regarding Rockville's needs, we are prepared to perform the following tasks for the City:

- assist Rockville in its formulation and consideration of a policy agenda;
- identify funding opportunities for the city and guide the city through the state and federal appropriations cycles;
- meet with officials from the state and federal governments to represent Rockville's interest;
- assist the city's staff and elected officials with logistics of providing testimony and arranging appointments with state and federal officials;
- respond to inquiries by city staff about the status of pending legislation and program funding sources;
- proactively recommend courses of action to promote city interests and further the city's legislative goals;
- provide written reports to the City upon request describing current activities or the status of Rockville's initiatives; and
- provide a flexible level of presence and support, depending on the depth or scope of the City's legislative priorities at any given time.

B. Qualifications of Professionals Assigned to the Contract

To ensure that the resources of Holland & Knight are fully engaged and integrated in continued support of the City of Rockville, a senior core management team will govern this representation as follows (*please note: The team named below shall remain assigned to the representation of Rockville throughout the period of the contract, unless a change is approved by the City*):

- **David Winstead** will oversee all initiatives undertaken on behalf of the City, and work directly with City Officials to develop the long-range work plan and legislative and appropriation strategies. David and **Barbara Wilkins** will also be responsible for all issues pending before the Maryland General Assembly and state agencies.
- Leader of the firm's Public Policy and Regulation Practice Group in Washington, D.C., **Rich Gold** will personally oversee the direction of the representation on the federal level and will facilitate access within key committees and federal agencies, including issues pending before DOE and EPA.
- **Rich Gold** and **Beth Viola** will take the lead on all technical matters involving environmental quality issues at the federal level. Beth will also be responsible for all media related support as required by the City. Her role will include earned media strategy and press contacts, providing information on background to reporters, and drafting press releases and

opinion-editorials for placement in Washington-area outlets and other major U.S. news markets.

- **Lynn Cutler** will serve as the liaison to the U.S. Conference of Mayors on behalf of the City.
- Former U.S. Representatives, **Gerry Sikorski** and **Tillie Fowler** will provide strategic counsel and access to key members of the Congress and the Administration.
- **David Whitestone** will serve as liaison for matters before the U.S. House Appropriations Committee.

Reporting Structure and Schedule

As noted, David Winstead will manage the day-to-day support to the City of Rockville on behalf of Holland & Knight. Mr. Winstead will serve as principal point of contact for the City at the staff level and will be responsible for providing all written and oral communications according to the schedule set forth by the City.

Below you will find complete biographies of each team member.

LEADERSHIP FOR ROCKVILLE ISSUES



DAVID L. WINSTEAD

PARTNER

FORMER SECRETARY OF MARYLAND TRANSPORTATION
MARYLAND GENERAL ASSEMBLY AND STATE AGENCY LIAISON

David L. Winstead is a partner in the public law, transportation and real estate departments. He is also an authority on state and national transportation policy and served from 1995 to 1998 as Secretary of the Maryland Department of Transportation, where he oversaw the Maryland Department of Transportation with more than 10,000 employees and a \$2 billion annual budget. Mr. Winstead continues to serve on a variety of task forces studying land use, transportation and public policy issues. Mr. Winstead served as President of the American Association of State Highway Transportation Officials and chaired its Intermodal Surface Transportation and Efficiency Act Reauthorization Committee. Additionally, Mr. Winstead served in the United States Senate as a Special Assistant to U.S. Senator Charles McMathias, Jr. responsible for Maryland state/federal issues; Senate Appropriations Committee bills/hearings; specific legislative initiatives in the areas of transportation and commerce; and administered hearings and business of the Maryland congressional delegation.

In addition to his government positions, Mr. Winstead was a member of the law firm of Wilkes Artis from 1987-1995, and 1999-2001. He was also a real estate financier for James W. Rouse & Company, Inc. where he was responsible for analyzing and securing debt and equity financing for commercial, industrial and residential properties in the Mid-Atlantic region.

Mr. Winstead has also served as Executive Director of the Washington/Baltimore Regional Association, which was a non-profit alliance of leading businesses in the Washington/Baltimore area whose primary function was to research the economic trends and business in the region and to explore investment and market expansion opportunities.

Mr. Winstead focuses on matters relating to government representation, real estate development, planning and transportation issues, including legislative issues for the Firm's public and private sector clients.

Mr. Winstead graduated from Denison University with a B.A. in economics, with Honors, and Columbia University Graduate School of Business with a Master of business administration. He received his J.D. from Columbus School of Law. Mr. Winstead is a member of the DC Bar, the DC Court of Appeals, the Maryland Federal District Court and the U.S. Supreme Court.



RICHARD M. GOLD

PARTNER

**FORMER STAFF MEMBER OF EPA ADMINISTRATOR
APPROPRIATION AND ENVIRONMENTAL LIAISON**

Richard M. Gold is a partner practicing in the areas of environmental and legislative law, emphasizing legislative counseling, strategy development, drafting, and monitoring, as well as enforcement and regulatory counseling. Mr. Gold is the practice area leader for the federal practice group in Washington, D.C.

Since joining Holland & Knight after eight years of government service, culminating in stints with U.S. Senator Lloyd Bentsen and EPA Administrator Carol Browner, Mr. Gold has focused on environmental legislative and regulatory and federal appropriations matters. In the area of environmental legislation, Mr. Gold has counseled a variety of clients on Superfund reauthorization. He succeeded in including an amendment to the Clean Water Act National Estuary Program in federal appropriations legislation in the 104th Congress. He worked on major flood control and water resource projects in the reauthorization of the Water Resources Development Act in 1996 and 1998. He achieved policy and project successes for several state and local governments in TEA-21 in the 105th Congress.

On the administrative front, Mr. Gold has worked with *Fortune 500* companies and trade associations, small businesses and local governments on regulatory matters before the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Department of Agriculture, the U.S. Army Corps of Engineers, the U.S. Department of Energy, and the White House. Most recently, Mr. Gold assisted the ACC in negotiating a voluntary health screening program for the 3,000 U.S. high production volume chemicals with the White House, the Environmental Protection Agency and the Environmental Defense Fund. In addition, he has counseled clients on several rulemakings including the Architectural and Industrial Maintenance Coatings

rule under §183 of the Clean Air Act, Phase II of the EPA Utility Knox rule, the recent EPA plan to reduce utility emissions in the Northeast, and EPA's Tier II Sulfur in Gasoline Rule.

On the appropriations front, Mr. Gold leads Holland & Knight's Federal Appropriations team which has been successful in achieving federal funding for a wide variety of projects ranging from research on biotechnology and clean up and redevelopment of brownfields to road projects in TEA-21 and stormwater and water projects. He is intimately familiar with the appropriations process, the members of Congress involved, and the key staff. Mr. Gold and the Holland & Knight appropriations team were successful in achieving federal funding for all 40 clients that retained Holland & Knight for the fiscal year 2002 federal appropriations process. Since 2000, Mr. Gold and the other members of the Holland & Knight appropriations team have been successful in achieving over \$1,000,000,000 in federal funding for local governments, special districts, non-profit groups and corporations.

Mr. Gold earned his B.S. in business administration in 1985 from the University of Vermont, and his J.D., with honors, in 1988 from The George Washington University Law School.

FORMER MEMBERS OF CONGRESS



TILLIE K. FOWLER
PARTNER
FORMER U.S. REPRESENTATIVE

Tillie K. Fowler joined the Washington, D.C., office of Holland & Knight as a Partner in 2001, after a distinguished eight-year tenure in the U.S. House of Representatives. In 1998, she was chosen by her Republican colleagues to be the Vice Chairman of the Republican Conference - the fifth-ranking position in the elected leadership of the House of Representatives - making her the highest ranking woman in the U.S. Congress when she retired. She also served for six years as a Deputy Majority Whip.

Representative Fowler was elected to Congress in 1992, winning a seat that had been held by a Democrat for 42 years. She secured an appointment to the House Armed Services committee, the only Republican woman on that committee at the time.

In the 106th Congress, Tillie Fowler was named Chairman of the newly created Subcommittee on Oversight, Investigations and Emergency Management of the Transportation Committee. Fowler used her position to investigate the country's preparedness for a domestic terrorist attack. She found overlap and inadequacies among the several federal agencies with jurisdiction, and authored legislation to coordinate the government's anti-terrorism efforts. She also authored a new law to better prepare the nation for natural disasters and to streamline the administration of federal disaster relief.

Tillie Fowler's reputation as a knowledgeable and articulate Representative also garnered her many appointments outside her committee assignments. She was appointed by the Speaker of the House to serve on the U.S. Naval Academy Board of Visitors and the Board of Trustees for the Stennis Center for Public Service. She was appointed by the Secretary of Defense to the Board of Visitors for the Defense Department's Centers for Security Studies. Additional institutional responsibilities included serving on the planning committee for the two bipartisan congressional retreats and serving as Chairman of the House Page Board.

Upon her departure from Congress, Rep. Fowler was awarded with the Navy's Distinguished Public Service Award by the Secretary of the Navy. She was also honored with the Department of Defense Medal for Distinguished Public Service, awarded by Secretary of Defense William Cohen.

In addition to her position at Holland & Knight, Fowler was asked by Defense Secretary Donald Rumsfeld to serve on his Defense Policy Board Advisory Committee. The board advises the Secretary of Defense on issues central to strategic planning for the department and consists primarily of private sector individuals with distinguished backgrounds in national security affairs. Fowler also serves on the Chief of Naval Operations' Executive Panel whose purpose is to advise the CNO on questions related to national seapower. In addition, she was appointed by the Speaker of the House to serve on the congressionally-mandated Commission on the Future of the Aerospace Industry which was created to assess the aerospace industry in the global economy, particularly in relationship to the national security of the United States. Following the terrorists attacks on the United States, Fowler was asked by Florida Governor Jeb Bush to serve on the newly-created Florida Domestic Security Advisory Panel. The eleven-member panel was created by the Governor to provide recommendations and evaluate the implementation of improvements in state domestic security.

The Center for Strategic & International Studies (CSIS) named Fowler to its Distinguished Congressional Fellows panel. She also serves on the corporate boards of Winn-Dixie Stores, Inc. and Florida Rock Industries, Inc.

Tillie Fowler received both her bachelor's degree and law degree from Emory University. She is a member of the District of Columbia and Georgia Bars.



GERRY SIKORSKI
PARTNER
FORMER U.S. REPRESENTATIVE

Gerry Sikorski, serves as the Government Section Leader and his the past chairman of the Holland & Knight Board of Directors. As a former Congressman, Mr. Sikorski brings with him a wealth of government experience. He represented Minnesota in the U.S. House of Representatives for ten years, from 1983 to 1993. During this time he served on the powerful Energy and Commerce Committee, with jurisdiction over telecommunications.

finance, trade, consumer protection, health, environment, insurance, nuclear power, securities, utilities, and energy laws and the FCC, FTC, CFTC, FDA, SEC, HCFA, IHS, ICC and FERC. The *New York Times* and the *Washington Post* have acknowledged Mr. Sikorski's experience on multiple facets of the congressional process.

For ten years, Mr. Sikorski served with Chairman Dingell on the Subcommittee on Oversight and Investigations, with a purview of all the Committee's subject matter jurisdiction, and served as Vice Chairman to Henry Waxman on the Health and Environment Subcommittee, where he was a leader on health reform and environmental issues. Mr. Sikorski was the author of the Community Right to Know law and the Acid Rain Control Act, and he was a primary sponsor of the 1990 Clean Air Act.

During his tenure in Congress, Mr. Sikorski served on the Post Office and Civil Service Committee, chairing the Civil Service Subcommittee. He was a member of the House Leadership serving as Whip-at-Large.

Prior to his time with the House, Mr. Sikorski served as a State Senator for six years, chairing committees with jurisdiction over Health, Welfare and Corrections appropriations and publicly regulated industries.

Congressman Sikorski graduated *summa cum laude* and, Phi Beta Kappa from the University of Minnesota in 1970. He earned his J.D. from the University of Minnesota Law School, where he graduated *magna cum laude*. He has a black belt in Tae Kwon Do.

ADDITIONAL RESOURCES



Barbara Wilkins

SENIOR COUNSEL

FORMER VICE PRESIDENT OF GOVERNMENT AFFAIRS FOR THE MARYLAND CHAMBER OF COMMERCE

MARYLAND GENERAL ASSEMBLY AND STATE AGENCY LIAISON

Barbara J. Wilkins practices in the Public Policy & Regulations Section and focuses on state government issues, including transportation and government contracts.

Prior to entering private practice, Ms. Wilkins was Vice President of Government Affairs for the Maryland Chamber of Commerce. In this capacity, she was responsible for all advocacy efforts in behalf of general business interests, including strategy development, legislative drafting and public spokesperson for matters concerning employment and labor issues. Ms. Wilkins also served as the senior aide to the Maryland Senate Republican Leader.

Ms. Wilkins's represents and advises businesses and trade associations on legislative strategy, its government contracting activities, and compliance with state ethics and campaign finance laws. Ms. Wilkins's representation includes general advice, consultation, legislative drafting, testimony before legislative bodies, negotiations with government agencies, and all aspects of government relations.

Ms. Wilkins is admitted to practice before the courts of Maryland.

Ms. Wilkins received her undergraduate degree in political science from Frostburg State University. She received a J.D. from the University of Baltimore School of Law. Ms. Wilkins is a member of the Maryland State Bar Association.



LYNN G. CUTLER
 SENIOR POLICY ADVISOR
 FORMER DEPUTY ASSISTANT TO THE PRESIDENT
 U.S. CONFERENCE OF MAYORS LIAISON

Lynn G. Cutler is a senior advisor on policy in the area of public law and Indian issues. Ms. Cutler is experienced in state and local governmental issues, as well as Native American priorities.

Prior to joining Holland & Knight, Ms. Cutler served in the Clinton White House as Deputy Assistant to the President for Intergovernmental Affairs, where she had the lead responsibility for cities, counties and tribes, and as Senior Advisor to the White House Chief of Staff on Indian Country issues. Ms. Cutler has other career experience in local government as a county commissioner in Black Hawk County, Iowa, for eight years.

She was Senior Vice-President of the Kamber Group, a Washington-based public affairs group, where she focused on strategies and crisis management for clients. In addition, she serves on the U.S. Conferences of Mayors' Business Council.

Also, Ms. Cutler has significant political experience, ranging from service as an elected county official in Iowa, where she was also a congressional candidate in 1980 and 1982, to Vice-Chair of the Democratic National Committee for 12 years. Her work at the DNC included the portfolio for state and local elected officials and women's vote projects.

She has worked for many years in the women's rights community, and has been involved with several organizations and efforts that work on women's and children's issues both in the U.S. and internationally.

In recent years, Ms. Cutler has been given several honors by the Native American community. Her work in the women's community has also brought awards - notably her induction into the State of Iowa Women's Hall of Fame

in 1998. She received both her bachelor's and master's degrees in education from the University of Northern Iowa.



DAVID WHITESTONE

PARTNER - Washington, D.C.

**FORMER LEGISLATIVE STAFF TO U.S. REPRESENTATIVE FRANK WOLF
HOUSE APPROPRIATIONS LIAISON**

David C. Whitestone practices in the area of appropriations, transportation and government relations emphasizing legislative counseling, strategy development, drafting and monitoring of federal, state and local government activities.

Prior to entering private practice, Mr. Whitestone served on the legislative staff of U.S. Rep. Frank R. Wolf, chairman of the House Appropriations subcommittee on Transportation. As the associate, Mr. Whitestone assisted the Chairman in developing the annual budget of important federal agencies including the FAA, FHWA, FTA, NTHSA, STB, NTSB, Amtrak and the Coast Guard and drafted bill and report language implementing national and local transportation strategies. Mr. Whitestone brings experience in aviation, transit, highway and rail matters as well as economic and community development projects. In addition, Mr. Whitestone has worked on base closure and Superfund initiatives.

Prior to his appropriations committee work, Mr. Whitestone served as press secretary to Chairman Wolf where he gained a thorough understanding of television, radio, print and electronic media in large, medium and small markets.

Mr. Whitestone is admitted to practice before the courts of the Commonwealth of Virginia. Mr. Whitestone received his B.A. in Government and Politics in 1991 and his J.D. in 1998, both from George Mason University.



BETH A. VIOLA

MANAGING DIRECTOR - STRATEGIC COMMUNICATIONS GROUP

**FORMER VICE PRESIDENT GORES CHIEF ENVIRONMENTAL ADVISOR
PUBLIC RELATIONS AND ENVIRONMENTAL LIAISON**

Beth A. Viola is managing director of Holland & Knight Strategic Communications Group. Ms. Viola's practice areas include environmental consulting, appropriations work and public relations.

Prior to joining Holland & Knight, Ms. Viola served as a senior advisor to the White House Council on Environmental Quality. In this capacity, she served as a senior member of a team responsible for advising the president and the vice president on environmental and energy issues. While in the White House, she concentrated on a number of policy issues including climate change, natural resources and smart growth. She served as the primary White House liaison on these issues to elected officials, industry, environmental, religious

and labor leaders as well as the media. During the last year of her tenure, she was one of Vice President Gore's chief environmental advisors and served as a senior policy advisor to him during his presidential campaign.

Before joining the White House in 1994, Ms. Viola worked in government affairs for Matsushita Electric Corporation of America. She is also a former congressional staff member for U.S. Representatives John Edward Porter of Illinois and Claudine Schneider of Rhode Island.

Ms. Viola received a bachelor's in political science from Providence College in 1990, and attended the John F. Kennedy School of Government Program for senior managers in government in 1995.

C. List of Major Lobbying Clients

American Chemistry Council	Menominee Indian Tribe of Wisconsin
American College of Chest Physicians	Mescalero Apache Tribe
American Plastics Council	Metropolitan North Georgia Water Planning District
American University	Micromedex Corporation
BioVascular, Inc.	Mille Lacs Band of Ojibwe Tribe
Capitol Broadcasting	MPS Group
Carolinas HealthCare System	Murphy Oil Corporation
Charter Schools Development Corporation	Nanticoke Lenni-Lenape of New Jersey
(Thompson)	National Assoc. of Tribal Historic Preservation Officers
Cheyenne Arapaho	National Coalition of Minority Businesses
Chicago Public Schools	National Disease Research Interchange
Chickasaw Nation	National Indian Gaming Association, Inc.
City of Alameda, California	Navajo Nation
City of Charlotte, North Carolina	Navajo Tribal Utility Authority
City of Cleveland, Ohio	Northwestern Memorial Hospital
City of Jacksonville, Florida	Omega Air
City of Kansas City, Missouri	Order of St. Francis Hospital
City of Key West, Florida	PanAmSat Corporation
City of Lake Bluff, Illinois	Paulding County, Georgia
City of Norfolk, Virginia	Pechanga Band of Luiseno Mission Indians
City of Rockville, Maryland	PGA Tour/The First Tee
City of West Palm Beach, Florida	Placer County, California
Clinical Laboratory Management Association	Polk County, Florida
Clyde's Restaurant Group	Powerspan Corporation
Consolidated Edison Co. of New York	Praxair Corporation
Consortium for Plant Biotechnology Research	Red Lake Band of Ojibwe Tribe
Continental One	Rockdale County, Georgia
CyberTran	Sacramento County, California
Deloitte	Sacramento Regional Transit
DuPont	San Diego County Airport
Eastern Shoshone of Wind River	Sarasota County, Florida
Fidelity National Financial	Save America's Forests
First Energy Corporation	Seisint
Florida Gas Utility	Shoshone Paiute of Duck Valley
Florida Space Authority	Smith & Nephew, Inc.
FMC Corporation	Sodexo
FMC Tech, Inc.	Solutia
Fort McDermitt Shoshone Paiute Tribe	Southwest Tribal Fisheries Commission
Genesee Wyoming Railroad	Spirit Airlines
Georgetown Partnership	State of Florida
Greater Jamaica (NY) Development Corporation	State of Iowa
Hampton Roads Transit	St. Joe Company
Herreshoff Marine Museum	The Cook Group
Hillsborough Area Regional Transit	Thompson Publishing
Houston Metro	Unisys Corporation
Howard County, Maryland	United Airlines
Hubbard Broadcasting, Inc.	United Seniors/Mental Health
Illinois Primary Health Care Association	United States Satellite Broadcasting Corporation
Independence Square	Uromedica Corp.
Indigenous Community Enterprises	VITAS Healthcare Corporation
Information Systems Support	Walker River Paiute Tribe
International Intellectual Property Institute	Water Systems Council
Intertribal Monitoring Association	West Group
Interurban Transit Partnership, Michigan	West Management Group
Jicarilla Apache Nation	WMATA
Kingdom of Bahrain	
Local TV Satellite	
Lower Lake Rancheria Tribe	

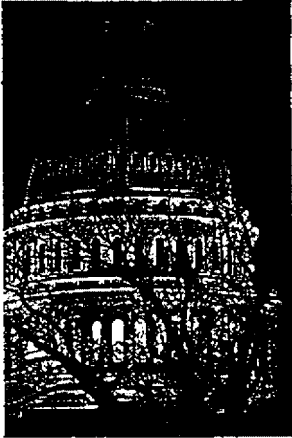
D. References

As requested, below is a list of five governmental references Holland & Knight currently represents and has represented in the last two years together with the contact person for each. For all clients listed below there are no subcontractors. Holland & Knight served as the prime contractor for each.

Client	Contact Person	# of years	Scope of Services Provided	Primary Legislators Associated
Maryland Assistance				
Montgomery Chamber of Commerce	Rich Parsons 51 Monroe St. Rockville, MD 20850 P: 301-738-0015	4	Legislative Fiscal Transportation Regulatory	All Montgomery County Legislators
Marriott International, Inc.	Tom Ladd SVP - Government Affairs Marriott Drive Dept. 52-923 Washington, D.C. 20058 P: 301-380-1236	4	Legislative Regulatory State Fiscal	Senators Frosh, Hogan and Garagiola and Delegates Feldman, Barcoe and Barkley
Federal Assistance				
Placer County, California	Mary Herdegen 175 Fulweiler Ave Auburn, CA 95603 P: 530-889-4093	7	Appropriations Administrative and Regulatory Legal Public Relations	Senators Boxer and Feinstein, Representative Doolittle
West Palm Beach, Florida	Ed Mitchell 200 Second Street West Palm Beach, FL 33401 P: 561-659-8065	6	Appropriations Administrative and Regulatory Legal Public Relations	Senators Graham and Nelson and Representative Foley, Shaw and Hastings
Sacramento County, California	Katy Jacobson Deputy Director Office of McClellan Base Conversion 3331 Peacekeeper Way McClellan, CA 95652 P: 916-646-1746	2	Appropriations Administrative and Regulatory Legal Public Relations	Senators Boxer and Feinstein and Representatives Matsui and Ose

SECTION 3.

APPROACH AND METHODOLOGY



Our Public Policy & Regulation Practice Group works as a team and brings together a vast array of substantive, experienced lawyers and other seasoned professionals to help meet our clients' goals. Holland & Knight is one of the world's largest law firms with over 1,250 attorneys, and has significant resources to draw upon to represent clients efficiently and effectively in our nation's capital. Washington, D.C., houses our largest office with more than 200 lawyers, and our Annapolis and Bethesda offices are well established. The firm's Public Policy & Regulation Group includes more than 60 individuals, including lawyers, senior public affairs professionals and legislative assistants with prior Maryland State Government, Capitol Hill and executive branch experience.

Understanding All Aspects of Government

Governments -- local, state and federal -- serve as regulator, customer, competitor, advocate and adversary. Holland & Knight strategists and advocates understand these multifaceted government roles and work with clients to create innovative programs. We use our presence on Capitol Hill to serve as a forceful advocate for our clients before Congress. When necessary, we prepare our clients to testify before Congress; brief Members of Congress on key matters affecting our clients and their constituents; and serve as a resource for senior staff professionals handling complex issues. Our knowledge of the Maryland General Assembly and state government has provided legislative and regulatory representation of both public and private section clients. All of these activities keep our clients' voice on critical legislative issues, front and center, before federal policymakers and state officials.

We proactively engage in a dialogue with the Administration and relevant federal agencies that affect our clients' work. We assist clients with filing comments in significant federal agency proceedings, participating in technical workshops designed to evaluate solutions to pressing technical issues and working closely with agencies to ensure that officials are aware of our clients' views on critical issues.

Our Approach

The Holland & Knight team is uniquely qualified to perform legislative representation for local governments. Through a combination of policy depth and experience, political prowess, media savvy, and access to nation-wide resources, Holland & Knight is exceptionally positioned to complement the skills of the City's government relations staff and to assist Rockville across the range of infrastructure, legislative, transportation and community development matters.

In an effort to assist the City of Rockville in understanding and taking advantage of the current political climate in Washington, D.C., and Annapolis,

The Federal Budget and Appropriations Team achieved over \$1,000,000,000 since 2000 for our clients.

H&K would help design and implement an overall strategy that would shape the long-term partnership we hope to establish with the City. It is important to note that while we have presented an outline of a strategy below, we envision an ongoing partnership that will operate at the very least throughout the first session of the 109th Congress and 2005 Maryland General Assembly Session; therefore, the strategy is likely to evolve and be further developed as we move forward.

Holland & Knight is committed to dedicating as much time as is necessary to support the objectives and expectations of the City of Rockville. To continue to effectively represent the City, Holland & Knight will establish a standing core team of professionals to provide seamless and integrated day-to-day support to the City with expertise in the following major categories:

- policy development, in the Maryland General Assembly and state agencies, Congress and in the Executive Branch;
- political outreach and coalition building;
- media relations.

We intend to have each member of the core Holland & Knight team regularly engaged on issues of importance to the City. Accordingly, Holland & Knight core team members will be in Annapolis, on Capitol Hill and in the offices of key state and federal agencies pursuing issues of interest to the City.

We will begin our working relationship by participating in a half-day to day-long planning session with key city staff to discuss key policy issues and advocacy goals. After the City approves the priorities, Holland & Knight will develop a strategy for implementation.

The Holland & Knight Federal Practice and Appropriations Team

The Federal Practice and Appropriations Team focuses on serving the legal and legislative needs of corporations, non-profit entities, and local, state and tribal governments. The team consists of legislative and regulatory attorneys, non-lawyer lobbyists and public relations professionals with many years of experience.

The team offers an in-depth understanding of governmental operations and political perspective with experience in our clients' substantive areas. This working knowledge ensures that insights gained from the broad perspective will be applied, while recognizing each client's unique conditions and requirements, including specific service dynamics, customer expectations, historical and technological developments, or political and regulatory constraints.

Holland & Knight's Annapolis presence provides coordinated representation of state and federal interests.

Our team combines knowledge of a wide variety of industries with experience in governmental operations. Further, our skill set provides a framework for developing effective legislative, regulatory and political strategies. These strategies emerge from our knowledge in several core disciplines common to most challenges, such as:

Strategy Development: Establishing a direction that capitalizes on immediate and long-term political opportunities, while ensuring sustainability.

Organization and Coordination: Developing the approach, processes and relationships required to bring the strategy to fruition.

Advocating Positions: Translating client needs into a strong substantive position that is understandable and defensible, and aggressively pursuing that position in the legislative process.

Implementation: Establishing a close working relationship with Executive Branch officials who must implement congressional directives and legislation, to ensure the strategy is fulfilled.

Maryland Government Relations Services

The Government Relations practice group in Annapolis focuses on serving the legal and legislative needs of local governments, corporations and business trade associations. The group consists of attorneys with many years of combined legislative, executive and lobbying experience, affording a broad range of professional services:

- ***Contacts with Public Officials and Staff.*** Maintaining excellent working relationships with Rockville's state representatives, key legislators and committee staff, as well as, state agency officials in the Ehrlich Administration is helpful in expediting practical solutions to a variety of issues and business matters.
- ***Legal Analysis and Legislative Drafting.*** Analyzing the content and potential impact of bills and regulations is essential to protecting your business interests. Drafting bills and substantive amendments to proposed legislation is an added protection to ensure a beneficial outcome for our clients.
- ***Preparing and Presenting Testimony before Legislative Committees.*** Drafting testimony and orchestrating presentations before legislative committees is a key component to effectively delivering the client's message and maintaining the organization's credibility in a political environment.
- ***Strategy Development and Lobbying.*** Providing public officials with concise and clear information in a timely fashion that provides the basis for an informed decision is the essence of lobbying. Devising a strategy that incorporates the political aspects of the decision-making process is the key to success.

- **Legislative Monitoring and Updates.** Possessing an insider's knowledge of the legislative process is necessary for keeping a client accurately informed of what is happening during the legislative session.
- **Administrative Rulemaking Process.** Advising clients of actions pending before state regulatory agencies and assisting in communicating with regulatory bodies can forestall legal complications.

The Holland & Knight lawyers and professionals in Annapolis and Bethesda have extensive contacts through their current representations with the Montgomery County Executive and Council members, as well as the entire Montgomery County State Delegation. In addition, our team has worked extensively with the District 17 Delegation of the City of Rockville over many years, as well as the leadership of the General Assembly. Holland & Knight's governmental representation in Maryland has given their lawyers extensive understanding of municipal law, state funding and capital budget issues, transportation, public safety, and other state issues which could impact on Rockville in the future.

The Holland & Knight Annapolis team has working relationships with Senator Forehand, Delegates Barve, Gordon and Simmons; Senator Ruben and Delegate Barkley, the General Assembly leadership and the Chairs of the Senate and House Committees. Based upon these relationships and legislative expertise, Holland & Knight can assist the City in developing legislative priorities for consideration by the Maryland General Assembly; work with the City staff in coordinating these priorities and legislative activities with the District 17 delegation; participate in pre-session meetings of the Mayor and Council with the state delegation; support Rockville's legislative activities in Annapolis by monitoring specific legislation of interest, hearings and voting sessions; meet with the heads of pertinent legislative committees and state leadership to advance Rockville's interests, and coordinate with Montgomery County representatives on common issues and initiatives.

The following elected officials have worked extensively with the Holland & Knight team through current representations and the experiences highlighted above:

Senator Jennie Forehand, 223 JSOB, Annapolis, MD (301-858-3134)
 Major Leader Kumar Barve, 313 LHOB, Annapolis, MD (301-858-3464)
 Delegate Michael Gordon, 403, LHOB, Annapolis, MD (301-858-3744)
 Delegate Luiz Simmons, 225 LHOB, Annapolis, MD (301-858-3037)
 Senator Ida Ruben, (301-858-3634)
 Delegate Charles Barkley, 222 LHOB, Annapolis, MD (301-858-3001)
 Senator P.J. Hogan, 3 WMSB, Annapolis, MD (301-858-3686)
 Delegate Sheila Hixson (301-858-3469)
 Speaker Mike Busch, 101 State House, Annapolis, MD (301-858-3800)
 President Mike Miller, H-107 State House, Annapolis, MD (301-858-3700)

Holland & Knight has a distinguished reputation in Washington, D.C., and will be an asset to the City of Rockville.

Providing Access to Key Decision-Makers

Our former Members of Congress and high level congressional and executive branch staff provide access to all levels of the federal government policy making and federal funding apparatus from the Speaker's office to the Chairman of the House and Senate Appropriations Committees, and from the EPA Administrator's office to the career level offices that are key to the City at DOT, DHS, HUD, DOL and DOE. This type of access will be vital in making sure Rockville's voice is heard.

Our contacts cover both sides of the aisle and can directly benefit the City. In particular, Holland & Knight team members have worked closely with Senators Sarbanes and Mikulski, and Representatives VanHollen, Wynn, Hoyer, Bartlett and Cummings.

Finally, Holland & Knight works closely with nonpartisan organizations throughout the United States on behalf of our municipal clients. We will continue this practice on behalf of Rockville to increase your visibility and viability within these organizations including the U.S. Conference of Mayors and the National League of Cities.

Obtaining Federal Funds

The general steps in obtaining funding for a project are: (1) develop the theme or "angle" for the project that will make it attractive to congressional staff; (2) develop a brochure which presents the project and its hook in an attractive light; (3) brief congressional staff on the project and its merits to obtain the support of key Members of Congress and Senators; (4) work the appropriations committees in the House and the Senate to make sure the project makes it on their priority list; (5) address any concerns raised by the committees about the project; (6) ensure that the interested members of Congress make the appropriate political contacts at the right time; (7) work through the committee markup process to ensure inclusion of the project in the appropriations bill; and (8) protect the project on the House and Senate floor and in conference.

Obviously, the process is not nearly as linear or predictable as the steps set forth above might suggest. In many cases, funding can be secured for a project in the first year. Sometimes, it takes two years of effort to obtain the federal funding commitment. Of course, it is possible that a project might be judged by Congress as not worthy of federal funding. Our experience helps us weed out these projects; we would not pursue a project that we did not think was worthy of federal financial assistance.

Below is a short listing of the different appropriations subcommittees and the types of projects they fund. As you will see throughout our response, we have obtained funding for clients in the following areas:

- ◆ **Energy and Water Development** - funds projects addressing flood control and port projects as well as energy development projects. We have been

successful in obtaining funding for flood control projects, port dredging projects, and energy research projects through this subcommittee.

- ◆ **VA-HUD & Independent Agencies** - funds water and economic development projects including downtown revitalization efforts, stormwater and sewage treatment projects, reclaimed water projects, and environmental research projects. Over the last 5 years we have had strong success in achieving funding in each of the areas set forth above.
- ◆ **Transportation** - funds highway and mass transit projects. We have been successful in achieving earmarked funding for highway, light rail, and similar projects in this bill and the TEA-21 reauthorization bill over the last several years.
- ◆ **Agriculture** - funds rural water and economic development programs. While we have not had cause to pursue appropriations for clients under this bill, it is a good place to explore possibilities for rural communities.
- ◆ **Commerce, Justice, State, & the Judiciary** - funds accounts covering areas such as violent crime reduction, community oriented policing services (COPS), juvenile justice, law enforcement equipment, mobile emergency communication systems, 911 infrastructure, public safety programs and many others have been included in the bill.
- ◆ **Labor & Health and Human Services** - funds local job training and other workforce demonstrations that may involve activities such as youth employment, worker retraining, welfare-to-work or re-employment efforts aimed at reducing recidivism. The Department of Health and Human Services funds health care facilities construction and renovation, which can encompass capital expenditures related to a wide variety of facilities, such as counseling centers and public clinics. The Department of Education funds a variety of educational undertakings, including distance learning activities and after-school children's programs. We have been successful in achieving earmarks for healthcare facility upgrades and vaccine funding through this bill.
- ◆ **Defense** - funds the Department of Defense which includes the Army, Navy (including Marine Corps), Air Force, Defense Agencies, and the Central Intelligence Agency. We have been successful in achieving funding for the purchase of products supplied by clients.

Earmarked Funds: A Record of Success

Obtaining earmarked funding for projects is more challenging in the current federal budget environment than in previous years. However, the Holland & Knight Federal Practice and Appropriations Team has been very successful in achieving federal funding for client projects.

We have worked closely with many corporations and governments over the past several years to obtain earmarked grant funding in each of the 13 annual federal appropriations bills for initiatives such as water infrastructure projects, health care facility upgrades, educational programs, vaccine/health care programs, and transportation projects. We have worked on wastewater and drinking water projects funded through the U.S. Environmental Protection Agency's budget.

highway and mass transit projects funded through the Department of Transportation's budget, housing and economic development projects funded through the Department of Housing and Urban Development's budget, and flood control and dredging projects funded through the Army Corps of Engineers' budget.

Putting Our Experience to Work for Rockville

The size of our Washington, D.C., office and the breadth of the expertise of the professionals who practice in that office allows Holland & Knight to offer the City advisory and advocacy support in the following areas:

- procuring federal funding for priority projects of the City of Rockville both in Congress and through federal agencies and departments such as the DoD, DOE, DHS, EPA, DOT and HUD;
- monitoring legislation and Administration policy in areas of interest to Rockville;
- reporting on legislative and/or federal agency developments;
- analyzing the impact of proposed or pending legislation and Administration policy that may impact Rockville;
- preparing representatives to testify before congressional committees;
- drafting statutory or committee report language;
- preparing floor statements and colloquies to supplement a bill's legislative history;
- preparing background briefing materials to assist in lobbying efforts;
- identifying existing legislative and political coalitions which may assist in achieving Rockville's goals;
- providing legal counsel and analysis of the statutory and regulatory requirements of federal programs, and advice on the management of those programs.

Promotion of the City of Rockville

In order to be successful with the overall strategy, H&K would first begin a directed campaign to enhance the City of Rockville's general profile on Capitol Hill. H&K, in partnership with our Strategic Communications Group, can greatly assist the City in this area because many members of our team bring direct experience from Congress.

The group is composed of political and communications professionals with a wide range of public affairs experience including former press secretaries, former principals of national PR firms and former governmental officials, all of whom possess years of experience communicating with Congress, the White House, state legislatures, corporate shareholders, communities, and the media.

Our Strategic Communications Group provides our clients with public relations counsel and services working in tandem with the government affairs team to help you advance your goals. We will work with city officials to

develop a message and public relations strategy for increasing awareness of the City's needs among the many layers of federal decision-makers, including those members with key committee assignments and oversight of essential programs.

SECTION 4.**LEGAL VIOLATIONS AND CONFLICTS OF INTEREST**

Neither Holland & Knight nor any of its staff for this engagement has been found guilty of any legal or regulatory violations relevant to the services described in our response. Nor has Holland & Knight been the subject of any non-routine investigation by a regulatory agency within the past five years.

Further, we have no current arrangements with other firms that might be recommended to do business with the City such as finder's fees or fee splitting arrangements.

Finally, Holland & Knight agrees that we will not engage in activities on behalf of the City that produce a direct or indirect financial gain for the firm, other than the agreed upon compensation, without the City's informed consent.

SECTION 5.**FEE PROPOSAL**

Per your request, the form for costs services is attached. As a matter of background, our Public Policy & Regulation Practice Group generally undertakes federal advocacy representation on a fixed fee basis. This allows us to serve our clients based on the needs and demands of a particular project, not based on a set number of hours. We bill our clients on a monthly basis and ask that payment be remitted within 30 days.

To accomplish the goals of the City of Rockville, the H&K team will be working with the Maryland General Assembly and state agencies, multiple federal agencies and House and Senate committees. Commensurate with the complexity and amount of effort this will require, the H&K team will operate on a fixed fee retainer basis of \$10,000 per month. This fee includes all costs anticipated to be associated with this proposal, excluding any travel and lodging.

SECTION 6.

OTHER INFORMATION

**Proven Track Record
of Success****Housing & Community
Development**

- Part of a team that was successful in securing a \$35 million HOPE VI grant for the D.C. Housing Authority.
- Secured a \$5 million Section 108 grant for Pan American World Airways through the City of Miami.
- Secured a \$500,000 loan/grant under 24 CFR 941 for Kingston Housing Authority, New York.

COMMUNITY/ECONOMIC DEVELOPMENT QUALIFICATIONS

Holland & Knight lawyers have substantial experience with virtually all significant community/economic development programs over the last three decades. Our clients in these areas include municipalities and local housing; community/economic development and redevelopment authorities and agencies; state housing finance agencies; for-profit and non-profit developers; mortgage bankers; life insurance companies; letter of credit providers; bond insurers; investment funds; and syndicators.

Relationships at HUD and on Capitol Hill. Our housing lawyers and lobbyists have strong relationships at the political and career levels at HUD from the Office of the Secretary and below. We also have excellent relationships with Members and professional staff on the relevant authorizing committees and appropriations committees and subcommittees on Capitol Hill.

Community and Economic Development and Infrastructure. Firm lawyers are experienced with a wide range of community and economic development programs, including HUD's Section 108 Loan Guarantee Program, the Community Development Block Grant Program, Empowerment Zones (EZ) and Enterprise Communities, and related federal, state and local economic development programs.

We regularly serve as bond counsel, and as counsel to developers, lenders, underwriters, trustees, credit enhancers and other participants, in (1) municipal bond transactions, including general obligation bonds, as well as issues for major infrastructure and community development such as airports, hospitals, convention centers and sports facilities, road improvements, water and wastewater projects, prisons, hospitals and similar facilities; (2) EZ Bonds and related finance transactions; (3) taxable and tax-exempt private activity bond transactions; (4) tax-exempt housing bond transactions, including transactions involving advance, current and default refundings under Section 103 of the Internal Revenue Code and under the HUD's Section 11(b) programs, transactions involving letters of credit, mortgage bond insurance or credit enhancement provided by Fannie Mae, Freddie Mac or FHA mortgage insurance; and (5) tax increment financing (TIF) bonds and related bonds.

Public Housing, HOPE VI and Mixed Finance. We have extensive experience resolving the legal and operational issues that arise from mixing multiple subsidy programs and financing sources having represented government agencies and local housing authorities; nonprofit corporations purchasing public housing projects; and underwriters issuing bonds to fund the acquisition and redevelopment of public housing projects in responding to HOPE VI Notices of Funding Availability (NOFAs) issued by HUD.

Proven Track Record of Success

Community Service

- Obtained \$2 million for West Palm Beach to add trolley buses to its fleet.
- Obtained \$4 million to assist ClearCorps in helping communities at highest risk for lead poison problems.
- Secured \$3 million to help Nassau County, New York with renovation of one of Long Island's most vital emergency rooms.

We serve as special counsel to a number of housing authorities in connection with development and implementation of innovative housing programs such as project-basing of Section 8 certificates; Section 8 homeownership assistance; and mixed finance under 24 CFR Part 941.

Housing & Community Development Bond Finance. H&K is listed in *The Bond Buyer's Municipal Marketplace* (commonly referred to as the "Red Book"), our opinion as bond and special tax counsel is accepted nationally and our attorneys have participated in hundreds of housing bond issues.

HUD Audits, Suspension and Debarments and Other Enforcement Actions. H&K lawyers, including several former federal prosecutors, represent developers, lenders and other private parties, as well as local governmental agencies, facing administrative, civil and criminal proceedings brought by HUD's Inspector General, the Justice Department and/or United States Attorneys, including actions involving HUD claims for recoupment of CDBG funds; HUD denial of Previous Participation Clearance; HUD limited denials of participation (LDPs), suspensions and debarments; mortgagee review board actions; alleged "equity skimming," audits and investigations; and alleged false certifications.

HUD Section 8 Housing Assistance Programs and Mark-to-Market. Firm lawyers are familiar with all facets of HUD's Section 8 rental assistance programs, including expiration, termination, renewal and modification of Section 8 Housing Assistance Payments Contracts. We are also experienced with the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRAA), which made permanent a "mark-to-market" program intended to reduce above market Section 8 rents on projects with FHA-insured and HUD-held multifamily loans to "comparable market rent levels."

Proven Track Record of Success

Economic Development

- Secured \$800,000 for the Port of Cleveland to use in the planning stages of a project to provide ferry service from Cleveland, Ohio across Lake Erie to Canada.
- Obtained \$600,000 for inventive economic development and infrastructure improvements in Largo, Florida.
- Obtained significant rights for the San Manuel Band of Mission Indians to own and develop land at Norton Air Force Base.

Military Housing Privatization. H&K lawyers are at the forefront of efforts by the DoD to form public-private partnerships and create other innovative arrangements with private developers/managers and lending institutions to renovate and construct on-base and off-base military housing under DoD's Private Military Housing Initiative (MHPI). The 1996 legislation permits DoD to make direct loans, insure or guarantee loans, provide rental support, invest in non-governmental housing providers, convey or grant long-term leases of federal property, and take other innovative actions in order to renovate existing military housing and build additional units. As principal counsel to Ernst & Young, DoD's financing adviser, H&K is involved in helping to formulate policy, create financing vehicles, as well as structuring transactions and drafting transaction documents.

Environmental, Brownfields and Lead-Based Paint. We represent clients at the federal, regional, state and local levels in almost every aspect of environmental matters, including regulation, compliance, permitting, enforcement, environmental risk assessment, contracting for environmental

consultants, obtaining and reviewing environmental insurance, abatement and Brownfields projects. Of special interest to those in the housing industry, Holland & Knight has represented parties in matters involving alleged violations of various lead-based paint requirements and has secured federal funding for several groups working to educate the public about lead-based paint.

OUR ENVIRONMENTAL LAW PRACTICE



Holland & Knight's environmental lawyers have also had substantial experience in negotiating real estate transactions involving contaminated property and in developing the contractual mechanisms needed to meet the needs of the seller, buyer or lender in a specific transaction. Likewise, our attorneys have a broad background in advising energy and water law clients in all manner of environmental permitting. This work includes dealing with environmental indemnification agreements, releases and voluntary remediation agreements. Our lawyers work regularly with outside environmental consultants and know how to put together a knowledgeable team to deal with whatever type of environmental matter the City may be faced with.

Relationships at Federal Agencies. The H&K team has strong relationships at EPA, the Army Corps Engineers and the Bureau of Reclamation to assist Rockville funding and regulatory issues involved in environmental quality projects.

Regulatory Experience. Holland & Knight attorneys have also had very extensive experience under traditional environmental programs, including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act (CAA), and AHERA. They have counseled lenders, developers, corporations, and municipalities about potential liability under these programs, including the "innocent purchaser" defense, successor liability, lender liability, cost allocation, indemnification, contribution protection, and similar issues. Holland & Knight attorneys pride themselves on remaining current on recent developments of a legislative, regulatory and judicial nature relating to these issues.

Real Estate. The mere specter of environmental contamination can cause real estate transactions to fail or be substantially delayed. Recognizing that time is money, and that real estate transactions will not wait lengthy periods of time for the environmental issues to be resolved, Holland & Knight lawyers have developed creative approaches for dealing with these issues. For example, our attorneys have participated in the development of, and have had hands-on experience with, cutting edge strategies for dealing with slightly contaminated commercial or industrial properties, including risk-based corrective action and brownfields grants programs. They have also helped several clients obtain Certificates of Completion of Remediation, and No Further Action letters, which protect the participant from future enforcement action, under several state voluntary cleanup programs.

Environmental Counseling. Holland & Knight lawyers have substantial experience counseling clients in all aspects of environmental law. The areas of greatest interest to members of the real estate community include the following:

Proven Track Record of Success

Environment

- Secured \$1.5 million for Consortium for Plant Biotechnology Research.
- Represented a municipal government and its \$500 million waste-to-energy facility.
- Obtained \$12 million for the cleanup and redevelopment of an industrial site in Warren County, Virginia.

Proven Track Record of Success

Water

- Secured over \$50 million for Florida Water Management Districts in the last five years.
- Secured \$3.2 million for Jicarilla Nation's design work and construction of its municipal water system.
- Secured \$1.9 million for the permitting and planning of a regional reservoir for Paulding County, Georgia.

- ◆ underground storage tanks, including upgrade requirements, property transfer requirements, release notification requirements, and corrective action requirements;
- ◆ asbestos, including Clean Air Act notification requirements, EPA's "Green Book" and "Purple Book" requirements, OSHA requirements, and development of asbestos removal specifications;
- ◆ PCBs, including EPA's PCB Spill Cleanup Policy;
- ◆ CERCLA/Superfund, including who constitutes a potentially responsible party ("PRP"), the "innocent purchaser defense," cost recovery and allocation issues, and natural resources damages;
- ◆ Resource Conservation and Recovery Act, including generator requirements, treatment, storage and disposal facility ("TSDF") permitting requirements, and corrective action complete requirements;
- ◆ radon, mold and indoor air issues;
- ◆ Wetlands, including delineation, mitigation, and permitting requirements.

Brownfields - Long before Congress and EPA jumped onto the brownfields bandwagon, Holland & Knight was helping to spearhead the movement. Today, Holland & Knight's brownfields team assists real estate developers, municipalities, corporations, railroads and utilities to transform contaminated lands into economically productive, environmentally safe projects that help communities grow.

Holland & Knight's Brownfields Initiative is headed by Amy L. Edwards, a partner in the firm's Washington, D.C., office who is widely recognized for her work in the environmental aspects of real estate transfers and corporate transactions, including brownfields issues, risk-based corrective action, compliance auditing, and ISO 14000.

Holland & Knight uses skilled teams of lawyers and other professionals knowledgeable in every aspect of brownfields redevelopment— environmental, transactional, legislative, grants, local government, consulting and transportation — in order to provide clients with:

- ◆ an extensive network of contacts, including national brownfields redevelopers; federal, state and local governmental officials; consultants; and lenders;
- ◆ up-to-the-minute analysis of changing federal and state voluntary cleanup requirements, including site characterization, risk assessment and certificate of completion/no further action aspects of the law;

- ◆ regulatory and risk-management tools to quantify environmental risks and structure transactions in ways that minimize potential environmental liabilities;
- ◆ substantial skill in federal, state and local financial incentives, including EPA grants, state grants and evolving environmental insurance products;
- ◆ nationally recognized work in risk-based decision-making and "deed restriction" issues;
- ◆ wide-ranging experience under traditional environmental programs, including Superfund, the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act (CAA) and others.

In addition to participating in a variety of committees charged with developing industry standards for brownfields site redevelopment, Holland & Knight lawyers write and lecture extensively about brownfields issues, appearing before organizations such as the American Bar Association, NACORE, the Environmental Corporate Counsel Institute, RTM, the International City/County Management Association, the Interstate Council on Water Policy, and International Business Communications.

Proven Track Record of Success

Transportation

- On March 24, 2004, the House Transportation and Infrastructure Committee approved a \$275 billion, six-year surface transportation reauthorization bill (H.R. 3550). As passed by the House Transportation and Infrastructure Committee, H.R. 3550 contains a total of \$4,000,000 for the "Rockville, MD. Maryland Avenue and Market Street intermodal Access Project."
- Represented a public authority in connection with the transfer of ownership of \$350 million worth of roads.
- Secured project authorization in TEA-21 and \$9.5 million in funding for preliminary engineering for the Norfolk LRT Project.
- Hillsborough Area Transit Authority: We secured funding for several transportation projects in the House and Senate, including the purchase of buses, construction of bus facilities, and the development of rail systems.
- Hampton Roads, Virginia: This regional transit authority received funding to provide regional buses.
- Tri-Met: The City of Portland, OR received funding in the House and Senate Transportation appropriations bills for various rail and bus projects.

OUR TRANSPORTATION PRACTICE

The firm also has a comprehensive expertise in transportation law, with more than 25 lawyers firmwide who serve clients in significant matters in the various facets of the transportation industry. H&K's Transportation Practice Group includes lawyers who have held substantial positions with federal, state and local governments, with transportation agencies and in private sector transportation companies. The combined experience of our Transportation Practice Group, as supported by other Holland & Knight lawyers, includes not only involvement in federal authorizations, appropriations and grants, but also extensive experience in areas such as project finance, regulatory matters, environmental issues, procurement matters, construction matters, labor and employment issues, litigation and real estate. Many team members have memberships with the American Public Transportation Association.

FFGA and New Starts Program. Holland & Knight has been actively involved in all aspects of New Starts projects and FFGA negotiations, including for such projects as the LYNX light rail, the Minnesota Northstar Corridor, the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) Westside and Eastside Light Rail projects, and the Norfolk, Virginia Light Rail project. Through the firm's representation of the New Starts Working Group, as well as our other transit clients, we are in regular communication with the Federal Transit Administration (FTA) and Congress regarding all aspects of taking a project from authorization all the way through securing appropriations and successfully navigating the new starts project evaluation and ratings process.

We believe that developing an FFGA negotiating strategy begins with a thorough understanding of the project itself. We must understand all aspects of the project ranging from project financing, land use, environmental mitigation to ridership forecasts. If necessary, we would work closely with Rockville and its consultant team to develop a strategy for securing an FFGA in FY 05. FFGAs have been receiving a heightened level of scrutiny on Capitol Hill. In particular, the House Appropriations Subcommittee on Transportation and Related Agencies has been especially vigorous in its review including report language for the FY 04 bill that would add criteria and increase the cost of alternatives analysis and preliminary engineering. We are currently working closely with the House Transportation and Infrastructure Committee, chaired by Congressman Don Young (R-AK), and the Senate Banking Committee, chaired by Senator Richard Shelby (R-AL), regarding all aspects of the federal transit program and have advanced several legislative proposals to the authorizing committees for their consideration. We anticipate consideration discussion regarding the requirements of the new starts program and expanding federal investment in BRT.

Due to the intense level of scrutiny that new start projects now face on Capitol Hill, FTA is engaging in a significantly more aggressive review of projects at all stages of project development. FTA has specifically focused on project "cost effectiveness", local cost-sharing and land use development in project

corridors and at station areas in alternatives analysis and preliminary engineering. Projects seeking to advance to final design and receive FFGAs face intense scrutiny regarding the soundness of their financial plans, completion of negotiations with freight railroads and certainty of project costs. FTA is anxious to get everything right prior to submitting a project for an FFGA to Capitol Hill. Holland & Knight works closely with its clients to ensure that the project satisfies the FTA criteria and works to resolve any outstanding issues with FTA.

Public Transportation. We have a deep and long-standing commitment to and participation in the public transportation industry. We represent or have provided legal services to departments of transportation, transit agencies, commuter railroads, public authorities and governmental agencies. We have an equally vibrant and substantial practice assisting private sector companies, including investment bankers and other investors, planning consultants and engineers, developers, contractors, operation and maintenance companies, transit and bus operators and material and equipment suppliers in their dealings with the public transportation sector and each other.

Highways. Holland & Knight lawyers have been involved in various facets of highway development, financing and construction for both tolled and non-tolled roads, bridges and tunnels. Some of them have been previously employed by highway departments and toll agencies. Recently, Holland & Knight was designated national counsel by a state transportation department in connection with the development and financing of a new toll road.

Holland & Knight is currently assisting a number of clients in securing funding for highway and road projects in both the FY 04 Transportation and Treasury Appropriations bill as well as in legislation to reauthorize the Transportation Equity Act for the 21st Century (TEA-21). Further, we represent an effort, led by King County, Washington, to form a Metropolitan Caucus, that would advocate for the creation of a Metropolitan Transportation System that would include increased suballocation of federal highway funds to Metropolitan Planning Organizations. We have drafted legislation that is currently being considered by the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee.

High Speed Ground Transportation. H&K has played prominent roles in the first two high-speed rail projects in the United States. On behalf of one, we drafted and then helped administer the design-build contract for the electrification of the Northeast Corridor, the prelude to development of high-speed service from Washington, D.C., to Boston. We provided assistance to that same client on certain real estate and other aspects of that project as well.



OUR PUBLIC SAFETY AND HOMELAND SECURITY QUALIFICATIONS

On November 25, 2002, President Bush signed the Homeland Security Act of 2002, ending more than a year of debate over what shape the federal government should take in the new post-September 11th world. His signature not only brought a conclusion to the debate, but it also set in motion the largest reorganization of the United States government in more than half a century.

In addition to the wholesale reorganization of the federal government, the terrorists attacks against America on September 11, 2001, have also compelled state and local governments and the business community to confront these heretofore unforeseen or appreciated threats and circumstances.

Whether a local government or business seeks to ensure the safety and security of its own property and its people, or wants to ensure full compliance with new federal laws and regulations, or needs to make policymakers aware of additional needs, the Holland & Knight team can help.

As one of the largest firms in the country offering federal representation services, Holland & Knight is uniquely qualified to assist its clients as Congress continues to focus on homeland security as one of its top priorities.

In seeking representation on homeland security issues, some will assume that government affairs firms who have focused on the Department of Defense and national security matters would possess the experience and contacts best suited for meeting their homeland security needs. While Holland & Knight boasts a strong national defense practice, the reality is that none of the 22 agencies being merged to create the Department of Homeland Security come from within the Department of Defense.

Prior to September 11, 2001, the phrase "homeland security" was rarely spoken in the corridors of power in the nation's capital. Today, the words "homeland security" permeate nearly every major policy and political conversation. The Department of Homeland Security may be new, but our experience, background and contacts related to the department are well-established and far-reaching.

The Homeland Security grant process is an evolving one. Although those seeking First Responder grants are supposed to find "one-stop shopping" at the Office of Domestic Preparedness (ODP) at the Department of Homeland Security (DHS), the reality is that the process is often confusing.

Prior to passage of legislation creating of DHS, various offices at the Department of Justice (DOJ), the Federal Emergency Management Agency (FEMA), and the Department of Health and Human Services (HHS) managed federal grant programs for local and state First Responders such as firefighters,

Proven Track Record of Success

Public Safety

- Secured \$1.5 million for sheriffs communications technology for the city police department in Rockville, Maryland.
- Secured \$11 million to make West Palm Beach, Florida's streets more pedestrian friendly.
- Secured funding for a road widening and safety initiative in Placer County California.
- Placer also received an additional \$1 million for public safety communications upgrades.

police, and emergency medical personnel. With the exception of the HHS grant programs, the Homeland Security Act of 2002 shifted this responsibility to ODP within DHS. While legally part of DHS, until the transition is complete, these programs will continue to be de facto administered by DOJ and FEMA.

In addition to this confusion at DHS, Congress is constantly changing the grant programs themselves. In the Fiscal Year 04 Homeland Security appropriations bill, several new grant programs were created and important changes were made to the existing grant programs. There are also several homeland security bills currently pending on both sides of the Capitol that will recalibrate the criteria for distributing grant money to states and localities. In general, there is a trend towards sending more money to "high risk" urban areas, but high risk can be defined many different ways. Also, because several large cities feel slighted by their respective states, there is strong sentiment in Congress to provide grants directly to the local governments. As these changes are made, it is important to have a voice in the dialogue because the decisions Congress makes will have a profound impact on the amount of funding local governments receive. Holland & Knight can provide valuable insight into developments in homeland security on Capitol Hill and can provide access to those making the decisions.

SECTION 7.**REQUIRED FORMS "**

The Bid Proposal form and the Affidavit Form are attached.

CITY OF ROCKVILLE
ROCKVILLE, MARYLAND
BID PROPOSAL FORM

REQUEST FOR PROPOSAL #70-04
STATE AND FEDERAL LOBBYING SERVICES

ANNUAL FEE:

Year 1 \$ 10,000 Maximum Hours of Service Provided as many as needed (Hours)

Additional hours required will be billed at \$ N/A hour, not to exceed \$ N/A

Year 2 \$ 11,000 Maximum Hours of Service Provided as many as needed (Hours)

Additional hours required will be billed at \$ N/A hour, not to exceed \$ N/A

Year 3 \$ 11,000 Maximum Hours of Service Provided as many as needed (Hours)

Additional hours required will be billed at \$ N/A hour, not to exceed \$ N/A

Year 4 \$ 12,000 Maximum Hours of Service Provided as many as needed (Hours)

Additional hours required will be billed at \$ N/A hour, not to exceed \$ N/A

MAXIMUM OUT-OF-POCKET EXPENSES:

Year 1 \$ 3,000 Maximum

Describe in detail: _____

Year 2 \$ 3,000 Maximum

Describe in detail: _____

NAME OF PROPOSER Holland+Knight LLP

PROPOSAL :

Year 3 \$ 3,000 Maximum

Describe in detail: _____

Year 4 \$ 3,000 Maximum

Describe in detail: _____

Acknowledgement is hereby made of the following Addenda (identified by number) received since issuance of this bid:

NAME OF FIRM Holland + Knight LLP

ADDRESS 2099 Pennsylvania Ave, NW Suite 100

CITY, STATE, ZIP Washington, DC, 20006

AUTHORIZED SIGNATURE 

TYPED SIGNATURE David Winstead DATE _____

PHONE 202-457-7849 FAX 202-955-5564

EMERGENCY PHONE 202-955-3000

E-MAIL ADDRESS david.winstead@hklaw.com

US TREASURY EMPLOYERS' IDENTIFICATION NUMBER 59-0663819

NOTE: Firms must use their FULL LEGAL name. Generally, a corporation's name must end with a suffix indicating the corporate status of that business (i.e. Inc., Co., Corp., etc.). Trade names may be indicated by individuals or corporations with the individual or corporate name followed by "t/a" (trading as) or "d/b/a" (doing business as), respectively. Failure to use your FULL LEGAL name may be cause for rejection of the bid.

AFFIDAVIT

I hereby affirm that:

I am the Partner and the duly authorized representative of the firm of Hollandt Knight LLP whose address is 2099 Pennsylvania Ave, NW #100
Washington, DC 20006
and that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.

I further affirm:

AFFIDAVIT OF QUALIFICATION TO CONTRACT WITH A PUBLIC BODY

1. Except as described in Paragraph 2 below, neither I nor the above firm nor, to the best of my knowledge, any of its controlling stockholders, officers, directors, or partners, performing contracts with any public body (the State or any unit thereof, or any local governmental entity in the state, including any bi-county or multi-county entity), has:

A. been convicted under the laws of the State of Maryland, any other state, or the United States of any of the following:

- (1) bribery, attempted bribery, or conspiracy to bribe.
- (2) a criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract.
- (3) fraud, embezzlement, theft, forgery, falsification or destruction of records, or receiving stolen property.
- (4) a criminal violation of an anti-trust statute.
- (5) a violation of the Racketeer Influenced and Corrupt Organization act, or the Mail Fraud Act, for acts in connection with the submission of bids or proposals for a public or private contract.
- (6) a violation of Section 14-308 of the State Finance and Procurement Article of the Annotated Code of Maryland.
- (7) conspiracy to commit any of the foregoing.

B. pled nolo contendere to, or received probation before verdict for, a charge of any offense set forth in subsection A of this paragraph.

C. been found civilly liable under an anti-trust statute of the State of Maryland, another state, or the United States for acts or omissions in connection with the submission of bids or proposals for a public or private contract.

D. during the course of an official investigation or other proceeding, admitted, in writing or under oath, an act or omission that would constitute grounds for conviction or liability under any law or statute described in subsection A or C of this paragraph.

2. [State "none," or as appropriate, list any conviction, plea or admission as described in Paragraph 1 above, with the date, court, official or administrative body, the individuals involved and their position with the firm, and the sentence or disposition, if any].

3. I further affirm that neither I nor the above firm shall knowingly enter into a contract with the Mayor and Council of Rockville under which a person or business debarred or suspended from contracting with a public body under Title 16

of the State Finance and Procurement Article of the Annotated Code of Maryland, will provide, directly or indirectly, supplies, services, architectural services, construction related services, leases of real property, or construction.

I acknowledge that this Affidavit is to be furnished to the Mayor and Council of Rockville and, where appropriate, to the State Board of Public Works and to the Attorney General. I acknowledge that I am executing this Affidavit in compliance with the provisions of Title 16 of the State Finance and Procurement Article of the Annotated Code of Maryland which provides that persons who have engaged in certain prohibited activity may be disqualified, either by operation in law or after a hearing, from entering into contracts with the Mayor and Council of Rockville. I further acknowledge that if the representations set forth in this Affidavit are not true and correct, the Mayor and Council of Rockville may terminate any contract awarded, and take any other appropriate action.

NON-COLLUSION AFFIDAVIT

1. Am fully informed respecting the preparation and contents of the attached bid and of all pertinent circumstances respecting such bid;

2. Such bid is genuine and is not a collusive or sham bid

3. Neither the said bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other bidder, firm or person to submit a collusive or sham bid in connection with the Contract for which the attached bid has been submitted or to refrain from bidding in connection with Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached bid or of any other bidder, or to fix any overhead, profit or cost element of the bid price or the bid price of any other bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the Mayor and Council of Rockville, Maryland (Local Public Agency) or any person interested in the proposed Contract; and

4. The price or prices quoted in the attached bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

I do solemnly declare and affirm under the penalties of perjury that the contents of these affidavits are true and correct.

Signature and Title

Daniel J. Winters

Date

6/1/2004



MAYOR AND COUNCIL AGENDA

NO. 86

DEPT.: Public Works /

DATE: July 8, 2004

ACTION: Award of Bid No. 44-04

To: M.A. Bongiovanni, Inc.

Of: Syracuse, New York

Amount: \$2,681,360.00

For: Glen Mill Road Pump Station

ACTION STATUS:

FOR THE MEETING OF: 07/12/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

☒ **CONSENT AGENDA**

RECOMMENDATION:

Staff recommends Mayor and Council award Bid No. 44-04 to the responsive low bidder, M.A. Bongiovanni, Inc., in the amount of \$2,681,360.00.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

Sufficient funds are available in the Water Pump Station - Glen Mill Road CIP project, account no. 210-850-9H34.

BACKGROUND:

The project involves the construction of a new fresh water booster pump station along Glen Mill Road to increase the flow of water into the city in support of the projected level of development in the City's Master Plan. The ultimate capacity at the City's water treatment plant is 14 million gallon per day (MGD).

The scope of the project includes the construction of a new fresh water booster pump station with new vertical turbine pumps, discharge piping and valves, new pump variable frequency drives, and associated instrumentation and controls. A new Supervisory Control and Data Acquisition (SCADA) system will be implemented linking the new pump station with the water treatment plant and three water tanks in the City. In addition, this new SCADA system will provide information and control for two sewage pump stations in the City using the water treatment plant as a control center.

Bid No. 44-04 was distributed to 19 prospective bidders, one of which was a Rockville firm. In response to this solicitation, five bids were received as follows:

<u>Company</u>	<u>Location</u>	<u>Amount</u>
M.A. Bongiovanni, Inc.	Syracuse, New York	\$2,681,360
Norair Engineering Corp.	Landover, Maryland	\$2,728,974
Cainbro Corp.	Pittsfield, Maine	\$2,739,000
W.M. Schlosser, Co., Inc.	Hyattsville, Maryland	\$2,788,000
Shaney Construction Co., Inc.	Baltimore, Maryland	\$2,795,130

The engineer's estimate is: \$2,203,100

The engineer's estimate of \$2,203,100 was prepared by our design consultant, Rummel, Klepper, and Kahl, in March 2004. The returned bids are higher than the estimate due to recent increases in steel and fuel prices and the heavy work commitment in the construction industry.

Our design consultant, Rummel, Klepper, and Kahl, as part of their service contract, conducted bid review and evaluation. The low bidder, M.A. Bongiovanni, Inc., was found to be satisfactory and acceptable for the work. Staff also carried out independent checks on the references and arrived at the same conclusion.

The Maryland State Revolving Loan program funds the project. The Maryland Department of the Environment reviewed and approved staff's recommendation to award to M.A. Bongiovanni, Inc. The Department of Public Works staff did perform value engineering and determined that no modifications to the bid would provide a significant cost savings. The State Revolving Loan will provide the funds necessary to cover the difference between the engineer's estimate and the low bid.

PREPARED BY:

Edwin Woo

Edwin Woo, P.E., Civil Engineer II – Environment

CONCUR:

Susan T. Straus

Susan T. Straus, Chief Engineer/Environment

6/30/04
Date

CONCUR:

Eileen Morris (B. Boobur)

Eileen Morris, Contract Officer

7/1/04
Date

APPROVE:

Eugene H. Cranor

Eugene H. Cranor, Director of Public Works

7/1/04
Date

APPROVE:

Catherine Tuck Parrish

Catherine Tuck Parrish, Acting City Manager

7/8/04
Date

LIST OF ATTACHMENTS:

None